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EA-87-02



Ontario

ENVIRONMENTAL ASSESSMENT BOARD



VOLUME: 298

DATE: Tuesday, March 26, 1991

BEFORE:

A. KOVEN Chairman

E. MARTEL Member

FOR HEARING UPDATES CALL (COLLECT CALLS ACCEPTED) (416)963-1249

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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER OF a Notice by the
Honourable Jim Bradley, Minister of the
Environment, requiring the Environmental
Assessment Board to hold a hearing with
respect to a Class Environmental
Assessment (No. NR-AA-30) of an
undertaking by the Ministry of Natural
Resources for the activity of timber
management on Crown Lands in Ontario.

Hearing held at the offices of the Ontario
Highway Transport Commission, Britannica
Building, 151 Bloor Street West, 10th Floor,
Toronto, Ontario, on Tuesday, March 26,
1991, commencing at 9:00 a.m.

VOLUME 298

BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	
MS. C. BLASTORAH)	MINISTRY OF NATURAL
MS. K. MURPHY)	RESOURCES
MR. B. CAMPBELL)	
MS. J. SEABORN)	MINISTRY OF ENVIRONMENT
MS. B. HARVIE)	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRIES
MR. R. COSMAN)	ASSOCIATION and ONTARIO
MS. E. CRONK)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY)	ASSOCIATION
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DR. T. QUINNEY)	ANGLERS & HUNTERS
MR. D. HUNTER)	NISHNAWBE-ASKI NATION
MS. N. KLEER)	and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
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MR. B. McKERCHER)	OUTFITTERS ASSOCIATION

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I N D E X O F P R O C E E D I N G S

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I N D E X O F E X H I B I T S

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1 ---Upon commencing at 9:10 a.m.

2 MADAM CHAIR: Please be seated.

3 ZANE SMITH; Resumed

4 MS. SWENARCHUK: Madam Chair, Mr. Martel,
5 we thought after the questions from the Board yesterday
6 with regard to the time periods for planning and how
7 the development of this plan fits into the overall
8 scheme that we take a short digression from public
9 consultation.

10 We will return to this subject, but Mr.
11 Smith will first outline, as he said on the document
12 distributed to you, the planning relationships and the
13 tiering of plans that are used in the U.S. forest
14 system.

15 So I have put a hand-drawn scheme on your
16 desk. I would ask that be made the next exhibit.

17 CONTINUED DIRECT EXAMINATION BY MS. SWENARCHUK:

18 Q. Mr. Smith, if you would explain it.

19 MADAM CHAIR: This will be Exhibit 1760.

20 ---EXHIBIT NO. 1760: Hand-drawn scheme illustrating
21 planning relationships and the
22 tiering of plans that are used in
the U.S. forest system.

23 THE WITNESS: I am impressed with the
24 number of exhibits you have.

25 MS. SWENARCHUK: We are depressed.

1 THE WITNESS: I hope they are not all as
2 big as this Willamette plan.

3 MR. FREIDIN: We didn't make his
4 continuun drawing the other day an exhibit and maybe we
5 should because I remember during his evidence he said:
6 I am over here, indicating, say if I was in
7 cross-examination, indicating on the left or the right.
8 If he wants to add it to the exhibit list you can make
9 it 1761.

10 MS. SWENARCHUK: Are you going to need
11 that for cross-examination, Mr. Freidin?

12 MR. FREIDIN: I might. If I do I will
13 make it an exhibit.

14 MADAM CHAIR: Thank you, Mr. Freidin.

15 THE WITNESS: There is a hierarchy of
16 plans that draw the Forest Service management and
17 national forest and I detected we were trying to make
18 some comparisons to Ontario plans yesterday. I might
19 have confused the other issue a bit. I'm not familiar
20 with your planning process and procedure to the extent
21 I can sort that out myself.

22 Let me say at the onset that the forest
23 plan, like the Willamette forest plan, presumably
24 eliminates the need for individual resource plans, so
25 you won't find a timber management plan and a

1 recreational plan and a wildlife plan and that whole
2 order of individual resource plans within the Forest
3 Service anymore. We used to have those. Now this
4 integrated plan takes the place of that.

5 So we begin at the national level and we
6 have a long range strategic plan that is authorized by
7 the Resources Planning Act and it is commonly referred
8 to as the RPA, plan for the Forest Service.

9 At the national level, there is an
10 assessment of forest resources which covers all
11 jurisdictions, private, Forest Service and other public
12 and out of that is derived a Forest Service only
13 strategic long-range plan and that kind of sets the
14 stage for all the other planning activities within the
15 Forest Service.

16 At the regional level, there is what is
17 called the Regional Guide and you have that as an
18 exhibit. It is this little brown guide. It
19 basically --

20 MADAM CHAIR: Excuse me. What number is
21 that, Ms. Swenarchuk?

22 THE WITNESS: This is 1755.

23 MADAM CHAIR: Thank you.

24 THE WITNESS: By the way, the statutes
25 provide for all of these things. It is not something

1 the Forest Service initiated on its own, but one that
2 developed out of the statutes.

3 The regional guide simply links national
4 strategic direction to a geographic region of the
5 country. In the case of the Pacific Northwest, it is
6 the States of Oregon and Washington. Where I was the
7 regional forester it was California and Hawaii. It
8 sort of particularizes the national strategic direction
9 to a region and allows the regional forester to sort of
10 direct and particularize for the national forest.

11 Okay. So out of that comes the forest
12 level, and in the case of the Pacific Northwest region
13 there are -- I think there are 20 national forests and
14 there the document is the forest plan. That's really
15 the centrepiece of the whole planning system because
16 the forest plan actually makes decision about what's
17 going to happen on a particular national forest.

18 The Resources Planning Act directs this,
19 the National Forest Management Act directs the regional
20 level, as well as the forest level. That's where the
21 regulations and the statutes are.

22 Okay. Once we have this plan then, this
23 integrated plan for national forests, the next thing is
24 to implement it. Rather than having a timber plan, a
25 recreation plan, a wildlife plan, there is simply this

1 plan supported by multi-year kind of schedules. This
2 might be liken to your five year schedule timber. I
3 can't say that for certain, but it sounds to me like it
4 is similar to that.

5 It is not a plan that allocates or makes
6 decisions about whether timber will be harvested or how
7 it will be harvested, but it is simply a schedule and
8 it is a multi-year -- they call display of projects,
9 outputs and funds.

10 So you have in the case of the Forest
11 Service a five-year timber sales schedule and out of
12 that is developed annual programs. The district ranger
13 is doing that. He is actually deciding where to go,
14 how much timber this area will be harvested and the
15 details that are necessary to develop a budget, annual
16 budget so the Forest Service can aggregate that and go
17 to the office and management budget in the executive
18 branch and to Congress to develop targets and
19 budgeting.

20 Yes, sir?

21 MR. MARTEL: On that decision, that
22 specific decision as to where the cut will occur in a
23 given year, is there any type of plan?

24 Who is involved in that process itself;
25 in other words, determining the area of cut, the type

1 of cut? Is there public investment at that level or is
2 that left exclusively to the man in charge of the
3 operation?

4 THE WITNESS: The man in charge in this
5 case would be the district ranger.

6 MR. MARTEL: Right.

7 THE WITNESS: He through his staff is
8 responsible for casting up a schedule, and actually in
9 accordance with this plan going to areas that are
10 identified in this plan as available and within the
11 silvicultural methods and so forth that are called for
12 in that plan he is responsible for actually saying: It
13 is going to be here next year, it is going to be here
14 the following year and how much it will be.

15 MR. MARTEL: But is there any public
16 involvement at this stage?

17 THE WITNESS: Yes. Let me cover that
18 now. Every project -- and the annual program is made
19 up of a number of projects. Let's take timber as an
20 example, timber harvest.

21 A district ranger might have in his
22 annual program 10 to 20, sometimes more, sometimes
23 less, what we call timber sales. These are individual
24 units of harvest that are processed separate from each
25 other and presented to the timber industry for oral

1 auctions.

2 The district ranger is required to have
3 an environmental assessment for each one of those
4 timber harvest proposals; an environmental assessment
5 that provides alternatives, analysis, consequences,
6 evaluation. That process also requires public
7 participation.

8 So the public has already helped design
9 the plan and then the forest supervisor announces a
10 multi-year display made up of each district ranger's
11 proposals. That receives public review and comment
12 and, by the way, it is usually fairly intense. People
13 are very interested in where these things are going to
14 occur. Sometimes conceptually it is difficult to fully
15 understand the plan, but when it hits the ground and it
16 says: We are going to cut here, then people are
17 interested in how it is going to be cut, what it is
18 going to look like, what the road access is going to
19 be, et cetera, et cetera.

20 MADAM CHAIR: Excuse me, Mr. Smith. I
21 don't the difference between the multi-year display and
22 the annual program.

23 Is the multi-year display a product of
24 the forest plan?

25 THE WITNESS: It's a result of the forest

1 plan. The forest plan will talk about annual outputs,
2 say in timber, the forest plan may say that the forest
3 will produce based on this land base and these
4 decisions 640 million board feet per year.

5 The district rangers all see their share
6 of this depending on the capability of the resource.
7 So each district ranger prepares a multi-year schedule
8 that adds up to 640 million board feet that the forest
9 plan --

10 MADAM CHAIR: And is it the number of
11 years that the forest plan is operational for?

12 THE WITNESS: No. The forest plan is
13 good for 10 to 15 years.

14 These are generally -- this is just
15 arbitrary. It is just an administrative thing.
16 Probably about five years. It takes about five years
17 in the Forest Service to prepare a timber sale from the
18 time it is conceived until the time it is sold. So you
19 always have a number of timber sales in the pipeline
20 and and a year at a time, you know, a year's program
21 comes out.

22 So every year a district ranger sits down
23 and prepares another year's schedule and it's kind of a
24 rolling five year schedule; a year comes on and a year
25 goes off. Now, that's ideally that's what happens and

1 then various activities occur, environmental assessment
2 and the actual marking of the trees and laying out the
3 roads and preparing the appraisals and the contracts
4 and getting everything ready.

5 Does that...

6 MADAM CHAIR: That's good. Now, how does
7 the annual program fit into the multi-year display?

8 THE WITNESS: Okay. If you have a
9 multi-year timber sale display -- year one, two, three,
10 four, five. Each one of these represents an annual
11 program and there are activities that are occur in year
12 one while this set of sales are being prepared for sale
13 out here. So the preparation begins in year one and
14 the actual sale occurs in year five ideally, but all
15 kinds of things can happen to disrupt that and
16 sometimes you have to pull year two up to year five and
17 so on.

18 What happens then is the district ranger
19 pulls out all of the activities that he must tend to in
20 this five-year period, the initial preparation all way
21 to the appraisals and the actual auction of the sale,
22 and that constitutes his program for that year. It is
23 primarily a budgeting and scheduling tool for getting
24 the budget to finance it and the staff resources to
25 actually accomplish it, kind of a program of work for

1 the year.

2 This, of course, occurs in all the
3 national forest activities not just timber, but it will
4 occur in wildlife, recreation. Timber is a much more
5 detailed and highly funded activity because of its
6 nature, but you could say that about grazing or any
7 other activity.

8 MADAM CHAIR: Thank you.

9 MR. MARTEL: How rigid is it? In other
10 words, is it divided, for example, in year one you will
11 do this, in year two, so that there is some sort of
12 uniformity across the whole Forest Service program in
13 the States or does everybody do his own thing?

14 THE WITNESS: No, I think there is quite
15 a lot of uniformity. You know, it is not absolutely
16 rigid and all you have to do is to get down to the
17 finish point here and somebody appeals or takes you to
18 court, then it just sets it back; part of that program
19 will be setback and part will be moved forward.

20 There is a lot of juggling, but basically
21 we lay it out this way and I would say, you know, the
22 majority, 90 per cent or more, follows that.

23 MS. SWENARCHUK: Q. Mr. Smith, does the
24 legislation limit the amount of deviation that is
25 possible from these procedures?

1 A. This is not a legislative matter.
2 This is a management matter.

3 MADAM CHAIR: Excuse me. The multi-year
4 display or the annual programs?

5 THE WITNESS: Both. Now, there is a
6 strong implied need for some kind of multi-year
7 display, otherwise there is no way to, you know, make
8 sense of annual outputs and where they occur and the
9 actual land base.

10 MR. MARTEL: What takes place, though?
11 It seems a lengthy time, the whole process from year
12 one to year five, until you finally harvest. What sort
13 of activities take place, let's say, over that time of
14 span? We are talking five years.

15 I think the Ministry and the Industry's
16 plans we are talking about maybe - I am going back 20
17 months now trying to recall - a year and a half for
18 something like that roughly, give or take from
19 beginning to end. So I am just wondering, why the five
20 years?

21 THE WITNESS: The five years has been in
22 place for two or three decade. Even as a young
23 forester we were operating on five year plans.

24 It is not that a particular sale, as you
25 track it through, is being worked on every month, every

1 day, anything like that. It means that there are sort
2 of touchstones where we try to accomplish certain kinds
3 of work by a certain time. So in year one, it might
4 mean having done all of the aerial photography
5 interpretation, getting a fairly good sense of what is
6 entailed in terms of volumes, road access problems,
7 coordination needs, just a whole host of kind of
8 preliminary things to get a stage for some actual
9 on-the-ground work.

10 It might be that stage 2 actually begins
11 to lay out specific units on paper or on photographs
12 with some ground truthing, getting out on the ground
13 and saying: It looks like our soil is okay here, these
14 are going to be the kind of reforestation needs we
15 have. There are so many implications.

16 At this point it may be we find out what
17 kind of nursery stock we need to deal with, so that
18 there is some seed collection and some sowing in the
19 nursery and a schedule for the Forest Service nursery
20 for seedlings to arrive, you know, when the sale is
21 offer. All kinds of little things that like that that
22 begin to pull together. So you have a number of people
23 doing a myriad of tasks throughout this, but not doing
24 it all the time, every day or every month.

25 The district ranger will have sort of a

1 scheduling document for each timber sale, at which time
2 there are dates attached; by such and such a time we
3 will accomplish this kind of work, we will have
4 prepared a fire protection plan or an erosion control
5 plan, or we will have located alternative road access
6 routes or we will have actually surveyed the road.

7 So all those things are scheduled. I
8 can't personally tell you what they might be in any one
9 time, but all those jobs will be scheduled over the
10 five-year period.

11 Now, that could be compressed and often
12 we do compress it when we go merrily along here and
13 then find a threatened and endangered species in the
14 middle of a clearcut unit. We just drop it and back up
15 and start again and compress that time period so that
16 we still meet the final time, or you might get out
17 clear to the end, as I say, and have litigation and
18 find you can't sell that. So you pull up something
19 that is a year behind. Normally there is enough
20 flexibility so that a district ranger can do that. In
21 fact, most district rangers get ahead on this a little
22 bit so they can take care of those eventualities.

23 MS. SWENARCHUK: Q. Could you now go on
24 and add to the scheme of the individual project side of
25 the plan?

1 A. So for each one of these timber
2 sales - and there might be 10 or 15 or 20 in each one
3 of these years in working its way to the end - there is
4 started an environmental assessment and this is
5 required documentation, required by the National
6 Environmental Policy Act to consider this project as
7 either requiring an environmental impact statement
8 because it represents a significant federal undertaking
9 in terms of the environment or not.

10 That requires this kind of informal --
11 more informal process of environmental assessment. It
12 is almost the same as an environmental statement except
13 it doesn't have the formality of prescribed time
14 periods for public review and hearings and federal
15 register announcements and that type of thing.

16 There is public involvement and there is
17 analysis and alternative comparisons and alternative
18 formulations that does not necessarily become
19 formalized into an environmental impact statement.

20 With the EA, the informal environmental
21 assessments starts back near year here at year five in
22 preparing of it and the first public notice is the
23 public is told that this particular sale is appearing
24 on this five-year schedule and then the construction of
25 the environmental assessment analysis begins and

1 probably won't conclude until somewhere fairly far down
2 the line.

3 The environmental assessment then begins
4 to reveal all the coordination and all the specific
5 measures that are necessary to incorporate in that
6 timber sale, what kind of cutting method, where the
7 roads are located, what kind of safeguards are
8 necessary for wildlife, what are the diversity --
9 biological diversity requirements.

10 So each timber sale as it works its way
11 through this has a separate environmental assessment
12 that goes along with it.

13 If this is a very large timber sale with
14 very significant road access, there might be a decision
15 to make a formal environmental impact statement. That
16 is not very usual because basically we have disposed of
17 a lot of that in the forest plan. The issue of -- you
18 know, the purposes of these lands has been taken care
19 of and now it is how to accomplish that. There is a
20 fairly uniform way in which -- kind of a checklist that
21 is used to make sure you cover all the bases in the
22 environmental assessment.

23 The public does come in and out of that,
24 however, and in many cases it is very intense interest
25 and a district ranger might conduct field tours, in

1 fact they often do, on a particular sale or a set of
2 sales. Invites the public out, sometimes the Forest
3 Service uses a bus and takes people out there and they
4 walk the ground and look at it and talk about it and
5 that is done far enough in advance so that that kind of
6 input can be taken into consideration as the final sale
7 requirements are prepared.

8 Q. Now, I understand that some of these
9 requirements are documented in the source book
10 document, Steps of the Journey, which should be close
11 to -- I believe it is Volume I of your version of the
12 source book, Madam Chair. It is an USDA 1990
13 publication: Steps of the Journey, Forest Plan
14 Implementation Strategy.

15 I believe, Mr. Smith, you wanted to bring
16 the Board's attention to the page that is numbered (iv)
17 and (i) at the bottom.

18 A. Now I am lost.

19 Q. Okay. (indicating).

20 MADAM CHAIR: Mr. Smith.

21 THE WITNESS: Were you able to find this?

22 MADAM CHAIR: We have got it. Which page
23 are we on?

24 MS. SWENARCHUK: IV-I.

25 MADAM CHAIR: Thank you.

1 THE WITNESS: This document, Steps of the
2 Journey, Forest Plan Implementation Strategy is the
3 Pacific northwest region's direction to the national
4 forests in how to go about implementing their forest
5 plans. It is kind of a strategy. It contains the
6 reference to the statutes, to the national direction
7 and then it sort of interprets that and guides the
8 forest in the application of that.

9 On page IV-I, simply the reference to
10 this multi-year schedule. At the very bottom of the
11 page, in fact the very last sentence it says:

12 "A multi-year display of programs,
13 projects, outputs and funds needed to
14 implement the forest."

15 Then on the following page it talks about
16 what it must do, the four points: It is the primary
17 source of program and project details needed for
18 program budget development; it is faithful to the
19 direction in the forest plan; it is non-significant in
20 terms of being an amendment, and this is a
21 technicality. Any time you adjust the schedule it
22 might appear in the forest plan that it is considered
23 an amendment and we have just sort of declared that
24 this is not significant. It could be that it deviated
25 a great deal. Then lastly, it is a public document.

1 There is direction in this overall
2 journey document that tells forest supervisors that the
3 public must be informed and then they must develop a
4 plan to involve the public, as well as inform them.

5 Q. Okay. While we are looking at this
6 document, I would like to turn as well to pages J-1 to
7 4 which have to do with the environmental assessment
8 required under this process.

9 Madam Chair, Mr. Martel, we will be
10 discussing later the issue of quality in environmental
11 assessment both in U.S. national forests and here, but
12 while we are dealing with this document and flowing
13 from Mr. Smith's introduction, could you just indicate
14 for the Board what these pages outline?

15 A. We are back down here in the annual
16 program and the environmental assessment that is
17 prepared for each timber harvest area.

18 Page J-1 is a checklist that the Forest
19 Service gives to forest supervisors and to district
20 rangers to make sure that the environmental assessment
21 covers all of the things that should be covered. It is
22 a four-page -- five-page actually checklist that is
23 quite comprehensive.

24 MADAM CHAIR: Mr. Smith, which page are
25 you on?

1 THE WITNESS: It is J-1. It is kind of
2 towards the end of that particular document.

3 MS. SWENARCHUK: After the Roman numerals
4 the letters start.

5 MADAM CHAIR: We have it, Mr. Smith.

6 THE WITNESS: You have it, all right.

7 That checklist was transmitted to the
8 regional foresters, forest supervisors and district
9 rangers by the chief directly by mail with a cover
10 letter indicating its importance and priority, but it
11 was also incorporated into this document The Journey
12 that the regional foresters, you know, packaged as a
13 strategy for implementing these plans.

14 What this does is provide for the things
15 that need to be accounted for in the environmental
16 assessment, and that's on page J-1. It just lists all
17 of the things that must be covered. Then on page
18 J-2 -- excuse me, on page J-3 it talks about the
19 decision notice which is kind of a separate document.

20 I think it is an important point to make,
21 that the environmental assessment does not start mixing
22 recommendations and selections or decisions with the
23 analysis. The analysis is supposed to be non-bias.
24 Here are the alternatives, here is what they mean
25 without suggesting, this is what we are going to do,

1 although there is an overall proposal that there be
2 timber harvest.

3 So (i) is environmental assessment, the
4 checklist, and then (ii) on page J-3 is the decision
5 notice and what has to go in there about certain
6 rationale, why one would choose that route to go, and
7 then the last element, (iii) on page J-5 is simply the
8 finding of no significant impact. That's required by
9 law. Any federal undertaking that would have an effect
10 on the environment requires an environmental impact
11 statement unless it is determined that it has no
12 significant impact. So that's a decision that every
13 ranger has to make.

14 If he finds that it does have a
15 significant impact, he then has to go through the
16 full-blown, formal environmental impact statement
17 process. So early on he needs to decide that. It
18 happens sometimes, that a fairly comprehensive
19 environmental assessment is made with a finding that,
20 you know, we need an environmental impact statement.
21 Much of what has already been done has been
22 incorporated into a more formal process.

23 Usually a timber sale does not require
24 that because the big decisions have already been made
25 in the forest plan.

1 MS. SWENARCHUK: Madam Chair, we propose
2 now to return to the subject of public consultation.

3 Before resuming where we left off
4 yesterday on that subject, I would like to just bring
5 to your attention where in the source book the
6 legislative standards for public consultation can be
7 found.

8 First of all, the last document in the
9 source book which are land management plan regulations,
10 U.S. Government 1982, part 219 regarding planning. On
11 page 50 of that set of regulations -- this is very
12 close to the end of the source book. Very close to the
13 end of my source book. (indicating).

14 MADAM CHAIR: All right.

15 MS. SWENARCHUK: So then for everyone
16 else, that is at page 50 of title 36 of the
17 regulations, Parks, Forests, and Public Property,
18 paragraph 219.6 begins: The standards for public
19 participation.

20 Then going back to the NEPA procedures
21 handbook.

22 MR. COSMAN: Sorry, going back to what?

23 MS. SWENARCHUK: The procedures under the
24 National Environmental Policy Act. The procedures for
25 public involvement can be found beginning at page 1-23,

1 and here the page numbers are at the top of the
2 document. Paragraph 1506.6, Public Involvement.

3 Maybe I can find this and mark it for you
4 at the break.

5 MADAM CHAIR: Fine, thank you.

6 MS. SWENARCHUK: We will mark those
7 later.

8 Q. Will you resume then --

9 MR. MARTEL: Can I ask a question before
10 we start?

11 MS. SWENARCHUK: Sure.

12 MR. MARTEL: Yesterday you were talking
13 about the move away -- when you were looking at the
14 chart last night, the move away from clearcutting to
15 smaller cuts over the next number of years, modified
16 cutting.

17 How much of your cut goes into timber and
18 how much of it is for pulp? In other words, there is a
19 difference if you are cutting -- we saw the Algonquin
20 Forest where there is a lot of hardwood and you cut and
21 have modified -- a variety of cutting as opposed to
22 clearcutting in northern Ontario, though much of the
23 cutting is clearcutting because much of it is going
24 into pulp and some lumber.

25 I gather from the figures you were giving

1 us yesterday, you were measuring it in board feet and
2 so on, but we were wondering last night whether much of
3 what you were doing which accounted maybe for modified
4 cutting was the different end use of the wood which you
5 could go in and select cut much easier if you are -- I
6 don't mean easier physically, but you are looking for a
7 certain type of wood and you come back three or four
8 times to recut, whereas in the pulp industry you are
9 not going to do much modified cutting in terms of
10 extract only a certain number of trees and going back
11 ten years later.

12 We weren't sure last night of those --
13 what was the purpose and how you could reduce cuts.

14 THE WITNESS: Right. Certainly the past
15 reflects a great amount of clearcutting, particularly
16 in the Douglas fir type or timber type from a
17 silvicultural standpoint requires light and that kind
18 of regeneration.

19 Clearcutting is very unpopular in the
20 United States and the Forest Services is doing
21 everything it can to come up with different
22 silvicultural techniques and procedures that will
23 reduce the reliance on clearcutting.

24 My personal feeling is it is more tied to
25 the implications of clearcutting than it is to the

1 product that is generated from a cut of any kind. The
2 Forest Service produces pulp wood as well as sawlogs
3 and Peter blocks. The majority of the trees cut on
4 this forest go to plywood and lumber. There are pulp
5 mills that operate from raw materials here, too, but
6 it is generally the residual, the by-products, the
7 waste products that are used from an essentially sawlog
8 approach.

9 MADAM CHAIR: Excuse me, Mr. Smith. Is
10 that characteristic of generally the northeast Pacific
11 region for national forests?

12 THE WITNESS: For the northwest.

13 MADAM CHAIR: Sorry, northwest.

14 THE WITNESS: Yes, Pacific northwest.

15 Yes, I would say so. The old growth
16 forests that predominated the Pacific northwest
17 contained a lot of material that was not usable for
18 sawlogs and pulp -- or plywood.

19 It was of the right size, but it had rot
20 and defect to the point where it could not be used for
21 peeling plywood or sawing into lumber. That material
22 went to the pulp industry, and there is a lot of it,
23 plus the smaller material that might be in those
24 clearcuts and the waste from the manufacturing
25 operation.

1 Does that answer your question?

2 MADAM CHAIR: Yes, thank you.

3 MS. SWENARCHUK: Q. Just to be clear on
4 this. Is the selection of the method of harvest,
5 clearcutting for example, in any way connected to the
6 end use of the wood that's being cut?

7 A. My answer to that is, I don't see it
8 as being a significant factor.

9 Now, obviously if we were growing these
10 forests for pulp wood we would probably come up with a
11 different rotation, different size objectives, a whole
12 host of things, but if we had a forest type that grew
13 to a certain size and shape, I don't think the end
14 product would have a lot to do with the silvicultural
15 prescriptions that we might have for that.

16 In other words, we also have species that
17 don't grow very big in the higher country, some of the
18 hemlock, there is lodgepole pine, there is high
19 elevation spruces. We don't pay much attention to the
20 end product in developing our harvest prescriptions.
21 We look at the harvest prescriptions in terms of the
22 physical and biological nature of that resource and the
23 environment that it is in and the related resources.

24 So I understand exactly what you're
25 saying. I don't believe that's a major factor in the

1 United States except in the overall objective -- if we
2 just said: All we want to do is raise pulp wood, we
3 would probably do things differently, but I don't think
4 we would harvest the stands of trees differently. We
5 might shorten the rotation.

6 MR. MARTEL: I guess what I was concerned
7 about, and I think you have given me the answer but I
8 am not sure, whether you could propose that for pulp
9 wood you take and do selective harvesting as opposed to
10 some clearcutting.

11 Now, the size might vary and a whole
12 series of other things, but I'm not sure if one could
13 harvest for pulp wood on a selective basis. You know,
14 like if you are cutting for timber, you go in and you
15 scale and you take out certain trees in the hardwood
16 area and you leave the rest and you go back another
17 time and so on.

18 I guess the thing that threw me off at
19 least was you were using board feet and I was thinking
20 for using board feet -- it is a term that hasn't come
21 up much during this hearing. We talk primarily in
22 other terms, both the majority of -- and that is kind
23 of throwing me for a loop, too.

24 THE WITNES: Yes, I understand what you
25 are saying. I still would say that the Forest Service

1 under a similar circumstance would decide the harvest
2 methods, the techniques, not based on the product, but
3 based on the silvicultural biodiversity and a whole
4 host of other things.

5 We do have lodgepole stands that probably
6 resemble physically the kinds of timber stands you are
7 talking about and we are also not using the traditional
8 clearcutting method there. Now, I think we will always
9 be clearcutting, but it will -- and modified
10 clearcutting influenced a lot -- some of the new forest
11 principles.

12 MR. MARTEL: I think that's what I was
13 trying to get at. What do you do in those areas if it
14 is pulp, if it is some form of modified clearcut.

15 THE WITNESS: Yes. We will always
16 clearcut. I think if we want to realize the utility of
17 the wood in certain kinds of timber stands we would
18 have to clearcut or else give up so many that it would
19 not make it worthwhile to cut it. Those would be
20 greatly modified clearcuts and the size of them and
21 what is left and the post sale capability will be a lot
22 different than what we have done in the past.

23 MR. MARTEL: Thank you. I appreciate
24 that.

25 MS. SWENARCHUK: Q. Just one last bit of

1 clarification here. Mr. Smith, when you use the term
2 board feet, can that term be converted to cubic metres
3 of wood?

4 A. Yes, it can.

5 Q. Does the term board feet necessarily
6 indicate that the timber being measured is going to be
7 used for timber?

8 A. Not necessarily. In the United
9 States we are attempting to move to a different
10 measures. Board feet, as many forester will say, has
11 some difficulty and timber limitations to it.

12 Q. What is a board foot?

13 A. A board foot is a board one inch
14 thick and a foot square. That's what it means.

15 Q. Is it that board or is it the amount
16 of wood in this kind of board?

17 A. Well, it is described in terms of a
18 board. It is both, but it is described in terms of a
19 board one inch thick and one foot square.

20 We are going to cubic feet in many of our
21 measurements and it is a more universal and a better
22 measure. It is kind of like going metric versus the
23 other. We are being drug into it kicking and screaming
24 every inch of the way.

25 MR. MARTEL: It don't come easy here.

1 THE WITNESS: The timber industry likes
2 board feet because there is a certain opportunity for
3 so-called overrun in it, and I am certainly not
4 qualified to tell you all about that, but in the
5 manufacturing process there are opportunities for
6 getting more out of it on a board foot scale than there
7 is in a cubic foot.

8 If we measured and sold everything on
9 cubic feet, they would probably have to do everything
10 in their tricks to make it come out that way. With
11 board feet it is easier to get a few extra boards.

12 MS. SWENARCHUK: Q. Let's pick up now on
13 the question of public consultation, Mr. Smith.
14 Yesterday when we concluded you were explaining for the
15 Board in response to their questions the public
16 consultation that occurs with the U.S. planning process
17 at the various stages at the process and we were using
18 the overhead that is found in Exhibit 1753.

19 A. We got down to about step four I
20 think. We were looking at each one of these steps and
21 I was trying to describe what public involvement might
22 occur at each step.

23 I want to go back to step 2. I misled
24 you a bit on step 2, preparing planning criteria. In
25 describing what might be going on there I talked about

1 issues and how forest planning was driven by issues.

2 After I reviewed my own papers I realized that issues
3 really came in at step No. 1.

4 In step No. 2, the issues were considered
5 and such things as recommendations and assumptions that
6 might be derived out of issues was determined. So, you
7 know, I don't think it was material matter, but I
8 didn't want to leave you the impression that that was
9 where the issue development occurred.

10 So with that, I think we sort of ended up
11 on step 4, analysing the management situation. As you
12 look at this process and these ten steps, many of these
13 steps kind of merge together. It would be difficult
14 probably if you were the public and the planners to
15 know when you left one and went into another.

16 So I don't want to represent them as
17 completely separate little things and little boxes that
18 were dealt with at one time and then moved to the next
19 one. There is a lot of interface, a lot of gray areas
20 in this.

21 Consequently, I think in practice a
22 national forest would handle some of the public
23 involvement on not just one, but maybe two or three,
24 maybe get involved in a subsequent step while they are
25 looking at another step.

1 Basically all of these methods of public
2 involvement occur for each one of these steps. It
3 begins with informing and to some degree trying to
4 educate or make people understand, you know, how it
5 relates to the whole process and then soliciting their
6 advice and counsel and sharing identifies. So there is
7 kind of an informed effort that the Forest Service
8 takes the initiative on and then a facilitative effort
9 to draw information from the public.

10 Analysing the management system is simply
11 a determination of what the ability of the national
12 forest is to supply goods and services. It then kind
13 of becomes the basis for formulating various
14 alternatives. The public generally has something to
15 say about this, the public as individual or interest
16 groups and certainly other agencies of state and
17 federal government.

18 I think invitation for written comments,
19 open houses, workshops, that whole array of things
20 occurs again. This varies by forest supervisor, what
21 they determine to be the best and most efficient way of
22 doing it and I think you will find all of those things
23 happening at various places in the country.

24 The next step then would be to formulate
25 the alternatives and there are some fairly specific

1 direction on that in the regulations about what is
2 required. There is a no-change alternative that's
3 required. There is a maximum market production
4 alternative, a maximum non-market, an implication that
5 there be a mix of those. There is a lowest
6 environmental impact alternative.

7 Again, the point is that you try to
8 establish the extremes and then fill in the gaps in a
9 fairly well distributed way. You don't want to just
10 offer a maximum market and a maximum non-market and
11 forget about the middle. The courts have been fairly
12 consistent in requiring the Forest Service when they
13 fail to do that to go back to the drawing board and
14 fill them up.

15 It is not that any one of these are
16 necessarily to be selected, it just gives one the
17 ability to move into the next phase of estimating the
18 effects of the alternative. What does it mean in every
19 day language that people are used to dealing with.

20 MADAM CHAIR: Excuse me, Mr. Smith. In
21 step 5, is the public given something in writing about
22 the alternatives that the Forest Service is looking at?

23 THE WITNESS: Yes. The forest supervisor
24 may choose, however, to go to the public and say: You
25 know, given our situation here what kinds of

1 alternatives do you think we should be proposing.

2 I think most people can see both ends of
3 it, but they may have different ideas about mixes in
4 between, and I think most forest supervisors go to
5 their publics to seek advice on that and the
6 interdisciplinary team then, you know, cast up
7 alternatives and describes them in such a way that the
8 public can see that they fit these little places on the
9 continuum.

10 After that, I feel that a proper thing do
11 is to reveal those to the public and get their review
12 and their comments on them. I think in most cases that
13 does occur.

14 MR. MARTEL: But they are not members of
15 the team in any way, shape or form, the public? You
16 have your interdisciplinary team, these are staff
17 people?

18 THE WITNESS: That's correct.

19 MR. MARTEL: It doesn't involve the
20 public.

21 THE WITNESS: Correct. Well, it involves
22 the public --

23 MR. MARTEL: I mean in consultation
24 maybe, but the plan is laid out by staff, what the
25 alternatives are? I mean, input is requested, but --

1 THE WITNESS: The interdisciplinary team
2 is made of up Forest Service people.

3 MR. MARTEL: Yes.

4 THE WITNESS: Occasionally we will bring
5 somebody in like a member of the State Fish and Game
6 Department or we may contract with the university for
7 an economist or a social scientist simply because the
8 forest doesn't have that skill on the staff. They then
9 become a part of the team. That's a little different
10 than just having a member of the public at large as a
11 member of the team.

12 Now, it's more than consultation,
13 however. The public involvement process should allow
14 the public to participate in the planning; that is to
15 actually get in there and give and take and provide
16 ideas and there is an insistence that there be response
17 to that and how is it dealt with. So although they are
18 not a permanent member of the team, they kind of come
19 in and out.

20 Some forest supervisors actually
21 encourage the formulation of committees or groups that
22 work towards consensus and the forest supervisor or his
23 representative on the interdisciplinary planning team
24 will be an equal to that group, to other members of
25 that group. So they sit down and they deal with an

1 issue of a concern or a problem or an opportunity and
2 what comes out of that in that committee sense is a
3 consensus of the group, not the Forest Service
4 proposal.

5 MR. MARTEL: Thank you.

6 THE WITNESS: So that same thing kind of
7 runs right on through these steps. A mix of
8 activities. Again, it will vary from forest to forest,
9 community to community, whatever seems to work the
10 best.

11 You will see as we look at what happened
12 here on the Willamette plan that there is a great
13 variety of techniques and people and interest and
14 concerns that did interface.

15 MS. SWENARCHUK: Q. Do you know
16 approximately how many people and how many comments
17 were involved in the Willamette plan, Mr. Smith?

18 A. For the draft environmental
19 statement, that was the draft of this document here,
20 there were 17,000...

21 MR. FREIDIN: 17,500.

22 THE WITNESS: 17,500 people or entities
23 that commented. I think there was 177,000 individual
24 ideas, comments and suggestions. Now that's just on
25 the draft environmental statement.

1 MR. MARTEL: That's why it took nine
2 years.

3 THE WITNESS: That's part of it. You
4 know, we had peaked everybody's interest. There was a
5 lot more that went on before that, and I think one of
6 the exhibits that Forests for Tomorrow gave you this
7 morning shows some of the history of that. A lot of
8 one-on-one. It's incredible.

9 This forest was not the heaviest one by
10 any means. There were some forests in California that
11 reached 20- and 30,000 individual comments, but the
12 Forest Service designed a process by which to organize
13 those data and facilitate the evaluation. So it is not
14 as quite as horrible as it sounds.

15 MR. MARTEL: But it was a learning
16 experience where you could ultimately devise a new way
17 which might sort of put the various ideas I guess
18 together which are quite similar I am sure.

19 THE WITNESS: Yes, that's correct.

20 Okay. So that process ran right up to
21 the draft environmental statement and then, of course,
22 finally the regional forester approved the plan and
23 then there is a public opportunity to challenge the
24 decision.

25 MS. SWENARCHUK: Q. Before we come to

1 that, Mr. Smith, we haven't yet distributed the
2 document that I think you referred to a moment ago.
3 This may assist the Board to the kinds of...

4 Can you just explain briefly -- maybe we
5 should put on a number on this.

6 MADAM CHAIR: Exhibit 1761.

7 MS. SWENARCHUK: 61?

8 MADAM CHAIR: 61. Could you identify
9 what this is, please?

10 MS. SWENARCHUK: Q. Mr. Smith, would you
11 do that, please?

12 A. This is the external coordination
13 report for the Willamette National Forest, 1980-84.
14 This documents the forest coordination action plan and
15 the actual summary of contacts made under that action
16 plan. This is the public comment and involvement
17 period prior to the draft environmental statement.
18 This is prior to the 17,500 and 177,000 comments.

19 All this documents does is establish the
20 objectives, reiterates the direction that requires this
21 and proceeds on page 3 to assign particular staff or
22 team members the responsibility of initiating and
23 overseeing the coordination. That's essentially the
24 first part of this document that ends on page 3 with
25 the staff assignments, and then it documents the actual

1 context and some of the concerns that were generated
2 through those contacts.

3 This summary does not include the
4 thousands of individual contacts that were made with
5 the general public. It's primarily a summary of all of
6 the agency and group context.

7 So beginning on page 3 and going through
8 to page 5 is a summary of this, kind of -- you know,
9 the period of time when the contacts were made and
10 whether there was any concerns.

11 Then beginning on page 5 through the
12 remainder of the document it just sort of summarizes
13 the potential land management conflicts that were
14 surfaced as a result of this public involvement.

15 ---EXHIBIT NO. 1761: External coordination report for
16 the Willamette National Forest,
1980-84.

17 MS. SWENARCHUK: Q. Mr. Smith, looking
18 at Exhibit 1754E, which is Volume II of the appendices
19 to the final environmental impact statement, the second
20 section of that volume is a list from pages 1 to 71 and
21 is this the list of all those who commented on the
22 final environmental impact statement?

23 A. Commented on the draft--

24 Q. Commented on the draft.

25 A. --environmental statement, yes.

1 Q. Then the final section of this volume
2 includes all the letters from public agencies and then
3 are those the public agencies that commented on the
4 draft environmental impact statement?

5 A. That's correct.

6 MADAM CHAIR: Excuse me, Ms. Swenarchuk.
7 You gave us that reference yesterday; didn't you?

8 MS. SWENARCHUK: Yes. I wanted to add it
9 to the list of the sources that you have that record
10 the public involvement in the planning process.

11 THE WITNESS: May I add one comment here.
12 Section 1 of this volume, these appendices, reveals the
13 Forest Forest response to public comments.

14 I want to emphasize that it is important
15 that people, if they advise the agency, they get some
16 kind of indication of what happens to it. The Forest
17 Service I think in this case did a pretty good job of
18 listing all of the major comments and then revealing
19 how they handled them, what their response was.

20 In some cases it was against the law to
21 do what people wanted to and they said that. In other
22 cases they used the comment and they told how it was
23 used.

24 MS. SWENARCHUK: Q. Let's turn now to
25 the question of --

1 A. Can I just mention this, too.

2 Q. Sure.

3 A. The public comment prior to the --
4 let's see. There is also a summary of the actual
5 contacts and type of contact that was made during the
6 draft environmental statement comment period.

7 It is several pages and it just simply
8 lists the date of the contact, the name of the agency,
9 media or group, the number in the group, the type of
10 contact, whether it was a meeting, telephone call,
11 display or open house, who in the Forest Service is
12 responsible and what community is occurred in and it is
13 a sizable list. We didn't offer this as an exhibit
14 because it somewhat duplicates this, but it gets into a
15 little more detail as to exactly how it came about.

16 Q. Let's turn now to the appeals that
17 occurred with regard to the Willamette plan despite all
18 of this consultation.

19 Perhaps before we look and mark that
20 exhibit, I would like to direct you to the Conservation
21 Foundation comments on public consultation in the
22 Forest Service.

23 Madam Chair, this Conservation Foundation
24 critique is found in the source book and I believe it
25 is the second document in the source book. Mr. Smith

1 referred to it yesterday. We see at page 29 of that
2 critique --

3 MR. COSMAN: What page?

4 MS. SWENARCHUK: 29. A discussion and
5 criticism of the Forest Service process of public
6 involvement. On page 28, first of all, Madam Chair,
7 the heading you see is the comment that the current
8 model of public participation is inadequate.

9 Then at the bottom of the first paragraph
10 on page 29 we see the sentence:

11 "Nonetheless from what we heard at the
12 regional workshops it is apparent that
13 people feel their involvement had little
14 if any effect on what the agency decided
15 to do."

16 Q. Now, with that background, Mr. Smith,
17 would you discuss the appeals of the plan and the
18 overall question of what should -- in your opinion what
19 should a public consultation process achieve and how do
20 we know when we have an effective one?

21 A. All right. By the way, I agree
22 generally with the Conservation Foundation's
23 recommendation and findings and the Forest Service
24 does, too.

25 You know, we found ourselves in a sense

1 kind of muddling our way through this and having more
2 success as we developed experience. Had we known what
3 we do today, we would have been a lot more successful.

4 I think the Conservation Foundation found
5 that we did do a good job, we could do a whole lot
6 better and improve the comfort level of the public and
7 probably reduce the amount of conflict had we followed
8 their, you know, recommendations after the fact.

9 Certainly you can't eliminate all
10 conflict. I don't think that's possible in a society
11 such as both our of countries have and that should not
12 be the objective. The objective should be to narrow it
13 so it is a tolerable thing and we're confident as a
14 nation that we are proceeding in the right direction.

15 I believe that had we focused more on
16 conflict resolution activities we would have been able
17 to accomplish a lot more than we did, and the
18 Conservation Foundation's suggestion that we have
19 facilitated meetings I think is a good one. I think
20 you are finding that occurring in the Forest Service
21 today and for the few plans that we have left they are
22 certainly doing a lot of that. The Willamette plan did
23 a lot of that too towards the end.

24 I mentioned yesterday the fruitful
25 discussion committee that the forest supervisor

1 arranged for and became a member of where the forest
2 supervisor was an equal to all the folks on that
3 committee and they, you know, found a whole lot more
4 common ground than they thought existed before in the
5 polarized kind of environment that they were in.

6 So we can't eliminate all conflict, but
7 we can greatly reduce it and I think the way to reduce
8 it is through consensus building activities that place
9 the public in kind of a equal position with the Forest
10 Service in dealing with these matters.

11 Now, you have before you this Willamette
12 Forest Plan appeals.

13 Q. We will make a moment, Mr. Smith, to
14 give this an exhibit number.

15 MR. COSMAN: Did we make the other
16 external corresponded report an exhibit?

17 MADAM CHAIR: Yes, that's Exhibit 1761,
18 Mr. Cosman. We might show on the record that that's a
19 seven-page document.

20 What was the date -- well, the date was
21 for 1980 to 1984.

22 MS. SWENARCHUK: That's right.

23 MADAM CHAIR: This one-page document
24 entitled Willamette Forest Plan Appeals will be Exhibit
25 1762.

1 ---EXHIBIT NO. 1762: One-page document entitled
Willamette Forest Plan Appeals.

3 MS. SWENARCHUK: Q. Could you explain
4 the document, Mr. Smith?

5 A. This is a summary of the appeals that
6 were issued on the Willamette plan. The secretary of
7 agriculture's regulations provides for what is called
8 an administrative appeal process. This is not in the
9 courts of the U.S., but is administrative within the
10 executive branch.

11 It's a very systematic, structured
12 procedure and the public is used to using it a great
13 deal when they don't agree with the deciding officer's
14 decision. The regional foresters decision to select
15 alternative W; that is this plan, was in appeal by
16 these ten individuals and groups for various reasons.
17 This I think in a very formal way, you know, reveals
18 the conflict that remains, the disagreement that
19 remains.

20 I talked to the forest personnel just
21 before I came up here. They don't believe that these
22 are -- any of these are fatal issues. They are serious
23 matters, but nothing that is going to cause the Forest
24 to go back and replan.

As you look at that list of ten, it is

1 interesting to me that I can identify four parties that
2 are arguing for more emphasis on market goods, five
3 parties that are arguing for more emphasis on
4 non-market goods and one that you really can't say is
5 either one; it has to do with off road vehicle.

6 I don't think this is too bad considering
7 where we came from. Almost all of our plans have been
8 appealed by one party or another. This plan represents
9 probably more complexity than 90 per cent of the other
10 plans. The stakes are very high here. This forest is
11 a very high producer of timber, it also is an
12 outstanding producer of all the other ammenities that
13 come from the national forest.

14 The community is a fairly urbanized
15 community adjacent to this forest for the west of the
16 United States at least. It is a community that has
17 historically been dependent upon timber as a resource
18 for its economy. It's also an community that has the
19 University of Oregon and a large group of people who
20 have been concerned about the environment for a long
21 time. So you have the ingredients for a great deal of
22 conflict. You have people that represent every aspect
23 of what forests can be used for.

24 What happens now is that the Forest
25 Service will go through the process with each appellant

1 and the regional forester will receive the appellant's
2 arguments and prepare his response to those arguments
3 and the whole package is then provided to the chief of
4 the Forest Service who then decides what is going to be
5 done.

6 The chief of the Forest Service may come
7 back and simply sustain the regional forester or may
8 sustain the appellant and as is the case in many
9 instances, simply modify the regional forester's
10 decision to move it one way or another, possibly not
11 all the way.

12 MADAM CHAIR: Excuse me, Mr. Smith. Two
13 things. The chief of the Forest Service, is that a
14 bureaucrat, I forget, in the American society. Is he a
15 bureaucrat or a political appointment?

16 THE WITNESS: It's a bureaucrat in your
17 terms. The chief has always been a professional career
18 Forest Service officer.

19 MADAM CHAIR: Okay.

20 THE WITNESS: That, by the way, is a
21 little bit unusual in the U.S. system. Normally agency
22 and bureau chiefs are political appointees with the
23 associate and the lower levels being career people.

24 The Forest Service does not have a single
25 political appointee. You probably can't say that about

1 any other U.S. agency.

2 MADAM CHAIR: Not that there is anything
3 wrong with political appointees. I was just ...

4 THE WITNESS: There is nothing wrong with
5 it. Political leadership for the Forest Service is the
6 assistant secretary of agriculture and that person is
7 selected very carefully to be the political leader for
8 the Forest Service.

9 MADAM CHAIR: Thank you. A second
10 question. What happens with the plan while this appeal
11 process is taking place?

12 THE WITNESS: Okay. What happens is the
13 Forest generally proceeds unless a pleading will moot
14 the question.

15 Now, by that I mean if we are about to do
16 something that removes the issue altogether, the
17 chances are the Forest Service will voluntarily stop
18 and allow the question to be settled before.

19 If for some reason the Forest Service
20 chooses not to, then the appellant has the opportunity
21 to go to the courts to seek an injunction that will
22 stop the Forest Service. That occasionally happens,
23 but I think generally the Forest Service attempts to
24 stop any action that would, you know, moot the
25 question.

1 The Forest Service is proceeding with the
2 implementation of this plan, continues with timber
3 sales and this and that and everything. Most of these
4 are more philosophical in nature about moving the
5 emphasis one way or another so that proceeding with
6 this plan for one or two years is not going to make
7 that much difference.

8 MADAM CHAIR: Thank you.

9 Is this a good time for a morning break?

10 MS. SWENARCHUK: Yes.

11 MADAM CHAIR: Thank you.

12 MS. SWENARCHUK: Madam Chair, Mr. Martel,
13 this concludes our discussion in the direct testimony
14 of public consultation subject to any further questions
15 you may have.

16 MADAM CHAIR: All right. Thank you.

17 ---Recess taken at 10:30 a.m.

18 ---On resuming at 10:50 a.m.

19 MADAM CHAIR: Please be seated.

20 MS. SWENARCHUK: Q. I want to turn now
21 to the question of environmental analysis, shall we say
22 quality of environmental assess analysis in the U.S.
23 plans and in the Red Lake plan.

24 To begin with, Mr. Smith, I would like to
25 look at the regional guide for the Pacific northwest

1 region, Exhibit 1755, On page A-5, which is at the end
2 of that document.

3 MADAM CHAIR: 1755. Can you hold that
4 up, Ms. Swenarchuk.

5 MS. SWENARCHUK: (indicating)

6 MADAM CHAIR: Thank you.

7 MR. FREIDIN: What page?

8 MS. SWENARCHUK: A-5.

9 Do you have it, Madam Chair?

10 MADAM CHAIR: Yes, we do.

11 MS. SWENARCHUK: Q. Halfway down that
12 page -- do you have a copy?

13 A. Yes, I do.

14 Q. We see a definition of environmental
15 analysis and it reads:

16 "An analysis of alternative actions and
17 their predictable short and long term
18 environmental effects incorporating
19 the physical, biological, economic,
20 social and environmental...and their
21 interactions."

22 Do you agree that that's a definition of
23 environmental analysis, Mr. Smith?

24 A. Yes, I do.

25 Q. Is it your view that those are the

1 components that should be used by Forest Service
2 personnel in conducting environmental analysis in the
3 Forest Service planning process?

4 A. Yes.

5 MADAM CHAIR: Excuse me, Mr. Smith. This
6 is the environmental analysis that would be done
7 informally on the individual projects and more formally
8 in the -- which level above that, the multi...

9 THE WITNESS: Yes.

10 MADAM CHAIR: What was that, the
11 multi-year display or the forest plan at the regional
12 level?

13 THE WITNESS: Probably not the multi-year
14 display. The environmental analysis would be applied
15 to the project plan; that is the individual harvest
16 plan, say, and to the forest plan, but in the context
17 of a very formal environmental impact statement.

18 Environmental analysis could occur as a
19 part of an environmental impact statement or as part of
20 an environmental assessment which is the less formal.

21 MS. SWENARCHUK: Q. Now, I would like to
22 turn to the source book and to the Conservation
23 Foundation's critique of the U.S. forest planning
24 service.

25 That, again, is the second document in

1 the source book, Madam Chair, and I am looking at page
2 47 of the critique. Beginning with the second line of
3 the page:

4 "Users are frustrated that after being
5 repeatedly sued for doing an inadequate
6 job of environmental analysis and
7 generally losing in court the Forest
8 Service still can't seem to do what
9 national forest users and the courts
10 expect of them. There are indications
11 here of problems with both communication
12 and attitude. There is a strong sense
13 among the workshop participants that the
14 vast majority of the Forest Service
15 resource managers still regard need, but
16 defined, environmental analysis as just
17 another bureaucratic hoop they must
18 jump through before they can get on with
19 the job. This attitude is seen as having
20 led many resource managers to do the
21 absolute minimum environmental analysis
22 required to satisfy NEPA. But as the
23 agency's record on NEPA lawsuits has
24 shown, the courts often have a
25 different review of the minimum

1 requirements and the analyses frequently
2 fall short of satisfying the law."

3 Now, could you give us your view of that
4 critique of environmental analysis in the plans?

5 A. I think the Conservation Foundation
6 assessment is generally accurate. I am not always in
7 agreement with the courts as I have watched the courts
8 handle this. Sometimes I think they have gone beyond
9 process and looked at value judgments, but I'd say on
10 balance that this is not an unfair assessment.

11 There is a lot of reason for that beyond
12 what I would -- what I would see here in the
13 Conservation Foundation paper, but I find it fairly
14 accurate.

15 Q. Now, in your assessment is the Forest
16 Service doing anything to improve the quality of its
17 environmental assessment?

18 A. Yes. In fact, I think our
19 performance could be characterized as considerably
20 better today than what they were picking up from public
21 comments in the past.

22 It is somewhat of an attitude problem.
23 The Forest Service recognizes that and that checklist
24 we looked at earlier today with the chiefs, letter of
25 direction, I think reflects his concern that the

1 agency, you know, improve its attitude, understand that
2 it is the law, it is what we are going to do and we
3 have to become committed to it.

4 I think there is a training problem. You
5 know, interdisciplinary assessments are not easy. Most
6 of us are used to doing assessments on a particular
7 resource and putting together all those pieces is more
8 difficult. We don't have a lot of experience, quite
9 frankly.

10 The universities where our biologists and
11 foresters come from, they don't spend a lot of time on
12 that, so people are learning as they do it, and I think
13 our experience has led us into a more focused and
14 better performance.

15 It is certainly true also that the time
16 available, the staffing available, the budget and in
17 particular the targets that the Forest Service has
18 received has put enormous pressure on district rangers
19 and their staffs to get the timber sales out and they
20 are looking for ways to, you know, economize.

21 My own experience in having been in that
22 situation and overseeing a lot of it, I know that that
23 is behind a good deal of it. That also is improving to
24 some extent because Congress now is, you know,
25 providing targets and budgets that are more

1 commensurate with what is out on the ground and
2 possible. So I think that if you were to measure it
3 today it would be much better and there are some
4 definite actions that have been taken to improve that
5 performance.

6 Q. Now, keeping in mind the definition
7 of environmental analysis that we looked at from the
8 Pacific northwest guide, have you had an opportunity to
9 review Exhibit 1814 which were excerpts from the Red
10 Lake plan that the Board has looked at?

11 A. Yes, I have looked at this document
12 with particular emphasis on the areas of concern and
13 the documents that support decisions for timber
14 harvest.

15 Q. I am going to ask you to give the
16 Board your views on the plan excerpts overall, but
17 would you first consider the question of the
18 environmental analyses reflected in the area of concern
19 documentation in the plan, and could you indicate for
20 me whether the environmental analysis in those areas of
21 concern in your view conforms with the definition of
22 environmental analysis that you looked in the Pacific
23 northwest guide?

24 A. In my view, the Red Lake area of
25 concern section does not reflect the requirements that

1 the Forest Service has for environmental assessment on
2 the national forest for projects of that type.

3 Q. Is it -- excuse me. Is it your view
4 that those Forest Service requirements are appropriate
5 or inappropriate? Are you in support of those
6 requirements?

7 A. I am in support of those requirements
8 if we have -- if we are to have integrated resource
9 management.

10 Q. Fine.

11 A. I am a strong advocate as a matter of
12 fact.

13 In the AOC section there, I don't see
14 statements of objectives or purpose for these areas.
15 You know, I am at a severe disadvantage in that I am
16 trying to look at pieces of the whole system here, but
17 within the context I see I don't think there is a
18 tiering of documents where the Red Lake document is
19 tiered in something that is already established in
20 integrated resource management objectives such as the
21 Willamette plan. I have not seen an equivalent to the
22 Willamette plan that such a document could be tiered
23 to. So I have to conclude that there is an absence of
24 purpose and objective in the context of
25 multi-resources.

1 The analysis in this Red Lake plan does
2 not tell us -- are not the same as the requirements for
3 the impacts on other values. Values other than timber.
4 It is somewhat limited to some broad timber harvest
5 prescriptions like clearcut or not clearcut, no harvest
6 or harvest. There is nothing wrong with those types of
7 decisions, but they are not tied back to anything that
8 established the basic purpose with all resources in
9 minds.

10 MADAM CHAIR: Excuse me, Mr. Smith. The
11 Board was given evidence about the Red Lake plan, that
12 there are hundreds of sheets of paper as part of the
13 documentation of that plan that identifies specific
14 values, many of which presumably are non-timber values.

15 Did you look at that as well or were you
16 aware that there was some examination of that by the
17 Red Lake plan authors?

18 THE WITNESS: The thing I had access to
19 was this document.

20 MADAM CHAIR: So what you are commenting
21 on is the overall statement of purpose for the Red Lake
22 plan?

23 THE WITNESS: Yes. I don't see that in
24 the -- in what I would say would be the equivalent of
25 the environmental assessment and analysis of the

1 project. That document does not seem to contain the
2 things that would meet the requirements of direction
3 for the Willamette plan, for example.

4 MS. SWENARCHUK: Madam Chair, may I just
5 clarify. The papers that you are referring to, perhaps
6 you can assist me, are you referring to the database
7 for other resource values? Is that what you are
8 referring to?

9 MADAM CHAIR: Yes. Our recollection is
10 that they were many hundreds of pages and there was
11 discussion about how effective that material was, but
12 there was a discussion about the identification of
13 individual AOCs that pertain to non-timber values in
14 that documentation as part of the Red Lake plan. That
15 was the supplementary information to the plan.

16 I am not suggesting by any means that Mr.
17 Smith should have reviewed all the supplementary
18 documentation that accompanied the Red Lake plan, but I
19 was interested in his comment that there was no
20 analysis of non-timber values or insufficient
21 consideration of non-timber values.

22 MS. SWENARCHUK: I did review the entire
23 plan and I am still not clear which of the material you
24 are referring to. Presumably one of the seven volumes.

25 MADAM CHAIR: Our recollection is that

1 the evidence was that there are many individual sheets
2 describing individual AOCs related to the plan and the
3 discussion was how effective was that in that the
4 forester is required to take a separate sheet and
5 identify each of those areas of concern.

6 MS. SWENARCHUK: Right.

7 Amongst the documentation that you have
8 reviewed and those excerpts, Mr. Smith, include the
9 collection of AOC descriptions which the Ministry
10 initially filed with the plan for the Board's review.

11 So some of those documents are part of
12 the excerpts in Exhibit 814 that he reviewed, Madam
13 Chair.

14 MADAM CHAIR: All right.

15 THE WITNESS: Okay. In this
16 documentation, my particular area, for example the
17 Little Vermilion Lake area of concern, I don't see the
18 rationale for the decision which would be a requirement
19 in the U.S. direction.

20 I don't see anything that resembles the
21 environmental analysis checklist, you know, really
22 completing those kind of things in the documentation I
23 have looked at.

24 MR. FREIDIN: Can you advise which area
25 of concern you are referring to?

1 MS. SWENARCHUK: I believe that that's
2 area of concern No. 1.

3 MR. FREIDIN: All right, that's fine.

4 MS. SWENARCHUK: Which is entitled Little
5 Vermilion Lake.

6 THE WITNESS: Yes, that's right.

7 MR. FREIDIN: Thank you. That's all I
8 wanted to know.

9 MR. MARTEL: I think the Ministry is
10 taking the position that they don't use a checklist as
11 such. I mean, there has been evidence by other parties
12 that they wanted a checklist. I think MOE was pushing
13 for a checklist.

14 Again, I am just going back two and a
15 half years, but I think MOE wanted a checklist and I
16 think MNR took the position in presenting their
17 evidence that they didn't think that was a requirement,
18 a checklist per se. That's why you wouldn't see one.

19 MADAM CHAIR: What Mr. Martel is pointing
20 out is that there has been controversy at the hearing
21 with respect to whether or not a checklist is a good
22 thing to do and you seem to think in the United States
23 it is a good thing to do.

24 Some of the evidence before us is that
25 indeed it is a hoop and is it the most effective way of

1 doing a thorough analysis or not.

2 THE WITNESS: Sure. I think that can be
3 legitimately argued. There is nothing in the U.S.
4 statute that I am aware of that requires a checklist.

5 The Forest Service in managing, you know,
6 compliance has chosen to use a checklist. The danger
7 of that is that it becomes a kind of a recipe cookbook
8 thing and peoples just fill in the blanks. You have
9 got to be careful not to allow that to happen.

10 So I am not suggesting at all that that's
11 the only way to do it. You can accomplish it, but I
12 think you do need to -- in integrated forest planning
13 you do have to cover those basis one way or another.
14 When you look at a document and it does, it doesn't
15 matter whether it was a checklist or not; but if it
16 doesn't, maybe a checklist would be helpful,
17 particularly in getting people tuned up to doing it
18 and, you know, it's fairly complex. These people have
19 a lot to do and a checklist sometimes helps avoid
20 something getting lost in the shuffle.

21 MS. SWENARCHUK: Q. Go ahead. Do you
22 have any other comments specifically on the area of
23 concern documentation, Mr. Smith?

24 A. I do have some impressions I gathered
25 from, you know, looking at this document.

1 Q. The plan overall?

2 A. They are sort of overall, yes.

3 Q. I would like you to turn to that now,
4 please.

5 A. All right.

6 MADAM CHAIR: What are we turning to, Ms.
7 Swenarchuk?

8 MS. SWENARCHUK: To Mr. Smith's comments
9 on -- Mr. Smith's review of the Red Lake plan as
10 indicated in the excerpts that he reviewed in Volume
11 814.

12 MADAM CHAIR: All right. Is this in the
13 witness statement?

14 MS. SWENARCHUK: Pardon me?

15 MADAM CHAIR: Is this in the witness
16 statement?

17 MS. SWENARCHUK: No, it's not.

18 THE WITNESS: No. I just reviewed this
19 very recently and I am prepared to comment upon it.

20 MADAM CHAIR: Okay.

21 THE WITNESS: I would preface this whole
22 thing -- you know, I am still a novice when it comes to
23 putting these things in the context of the Ontario
24 system. I don't purport to be an expert on that, but
25 my impression in looking at this in relationship to

1 integrated forest planning, these are my impressions.

2 I would call this more of a functional
3 timber management plan. The Forest Service used to
4 have these. In recent history we've had them. This
5 plan seems to suggest that it is an integrated resource
6 planning document and if it were tiered to another
7 document, such as the Willamette plan or some
8 equivalent to that, then it might work. It might be at
9 least minimally acceptable. My assumption is that
10 isn't an umbrella integrated plan that this is tiered
11 to. I may be wrong, but I haven't seen it.

12 I have several concerns about this as a
13 timber management plan that deals with integration. In
14 reading it, it comes through to me very clear that
15 timber is the dominant use. It is the featured use for
16 these areas and I don't see visibly objectives for
17 other resource values.

18 There are proposed mitigation for areas
19 of concern and that's good, but I don't see, you know,
20 specific objectives laid out in advance of that, nor do
21 I see objectives for other resource values on the rest
22 of the forest area.

23 It seems to me that the ecosystem as a
24 whole or the landscape, if you will, has not really
25 been addressed. Ecosystem health and long-term

1 sustainability are not discussed, at least in any
2 formal way that I could find, and I really believe that
3 long-term sustained production in any forest, wherever
4 it is, has to be based on that.

5 Biodiversity is not mentioned to my
6 knowledge, nor expressed as a concern, nor is it an
7 objective that is contained here. That's a case with a
8 lot of Forest Service documentation of the past as
9 well. It's certainly not a criticism. The U.S. Forest
10 Service has a long way to go on this too and we are
11 learning. Biodiversity now is an expressed Forest
12 Service concern and objective and it is written into
13 U.S. statutes, it is named, so the Forest Service has
14 no choices but to deal with it.

15 I see threaded through this document a
16 lot of discussion about site conversion; that is taking
17 an area of forest and converting it from one vegetative
18 type to another. Most of what I observed here is
19 converting to spruce and jack pine. I want to say
20 again, you know, I'm not a technical forester in your
21 region, I don't purport to be, but as a concept and a
22 principle of conversion I have some things to say about
23 that.

24 I think it is dangerous direction to
25 start converting natural sites to other species. My

1 impression is that the rationale is based principally
2 on current and immediate economic concerns. You know,
3 those are legitimate, it is just how far you take those
4 without considering the physical and biological
5 concerns as well.

6 When you convert sites from natural to
7 some other kind of -- you can't say jack pine and
8 spruce are unnatural, but it may be unnatural to that
9 circumstance. When you do that, you tend to reduce
10 biodiversity. It is kind of a principle. You don't
11 need to confine it to any one area. You can talk about
12 the tropical forest or rain forest in the Pacific
13 northwest or the eastern hardwoods or whatever. When
14 you convert, I think most scientist would say, you
15 reduce biodiversity which I don't think is good.

16 When you do that, scientist I think will
17 agree that you set yourself up for other kinds of
18 problem, and who knows what to predict. These forests
19 and their elements are so intertwined, that you deal
20 with one element and it begins to affect others.

21 I believe it's a mistake to convert any
22 natural vegetation. In the United States we are
23 beginning to make that a standard rule: Don't try to
24 convert natural vegetation.

25 Balsam fir and other hardwoods seem to be

1 the target of this plan for conversion. Not in all
2 cases, but it is threaded through there enough that I
3 think it is a concern.

4 By the way, I mentioned yesterday I think
5 that I was working on a team, small team for our Bureau
6 of Land Management in western Oregon to develop
7 guidelines for a biodiversity alternative. Now, we are
8 just really getting into. We are just now thinking
9 about how to do it. One of the things that we are
10 suggesting is that there will be no site conversion.

11 There is a tendency in that area of the
12 world to take alder, for example, and remove red alder
13 because it is a less desirable commercial species and
14 convert it to Douglas fir. We are saying we should not
15 do that. There should be natural components of alder
16 and where it is naturally a hundred per cent or the
17 dominant species in the stand we should continue that.

18 MADAM CHAIR: Excuse me, Mr. Smith. Are
19 you familiar with the work of Chris maser? He was a
20 witness at our hearing.

21 THE WITNESS: Yes.

22 MADAM CHAIR: Do you agree with his views
23 about biodiversity?

24 THE WITNESS: I have heard Chris Maser
25 speak and I have read some of his papers, so I at least

1 have a general knowledge of Chris Maser's point of view
2 on this matter, yes.

3 MADAM CHAIR: And you agree generally
4 with his views?

5 THE WITNESS: I think from a biodiversity
6 standpoint I agree with him. There is -- you know,
7 scientists debate one another about these matters and I
8 can't say I agree with every tenant of his thesis, but
9 on balance I certainly agree where he is coming from and
10 where he seems to be going. The specifics on how he
11 might do it, I don't know whether I agree or disagree.

12 Okay. Another observation I have is that
13 clearcutting is the preferred silvicultural
14 prescription and that may be proper. The size of
15 clearcuts is a concern to me. My impression is that
16 clearcuts are very large by my standards in Ontario.

17 The effect on biodiversity on other
18 resource values then becomes a concern. For example,
19 wildlife and fisheries, water quality, recreation and
20 certainly cumulative effects on these things and
21 watersheds. I think those are principles that apply in
22 any forest type, anywhere in the world. The degree and
23 the spatial distribution of them and so forth, you
24 know, varies under the circumstances and the, you know,
25 the technical aspects of that particular area, but I

1 think the principles still apply.

2 The size of clearcuts in the United
3 States has continually come down, almost to the point
4 where we try to avoid clearcutting if possible. You
5 can't always do that, but -- and we will talk about
6 clearcuts and size limitations later, but I just want
7 to say that the size surprises me and I think it is
8 should be a concern to you.

9 There are statements in this document, I
10 happen to remember one page, page 46:

11 "Clearcutting..." as stated on page 46,
12 "...is selected to maximize return and
13 regeneration."

14 Those are valid reasons to select a
15 silvicultural prescription or technique, but not the
16 only ones. I am believing that economics is driving
17 these decisions perhaps more than they should. I think
18 it is unnecessary for economics to be the dominant
19 factor.

20 I think foresters and people concerned
21 with resources ought to think first about the resource
22 and the sustainability of that resource and protecting
23 the productivity of that resource, and then try to
24 select the most economical way to go about doing it and
25 there usually are options.

1 I would say the first thing you need to
2 do is frame up the world of physical and biological
3 concerns and then within that world move around
4 anywhere you want to to optimize economics.

5 Page 46 - again, I don't know why I
6 picked on that page, but it just seemed to bring a lot
7 of things together - states:

8 "Clearcutting most nearly duplicates
9 natural disturbance."

10 I agree with scientists' contention that
11 disturbance is, you know, a driving force in forests
12 worldwide, whether it be tropical forests or boreal
13 forest or Douglas fir or rain forests or whatever.

14 I believe that man in his interventions
15 can, you know, instruct them in such ways that they
16 more resemble natural disturbances, which is good. But
17 I think that the use of fire as a proxy for
18 clearcutting -- or clearcutting as a proxy for fire is
19 maybe an over-simplification of it.

20 Everything I have read about it in the
21 world's forests and the scientists I have talked to say
22 that in the world over fire does not result in
23 something that looks like a clearcut, burn, spray and
24 reforest. There are some elements that are the same,
25 but fire usually ends up with kind of a mosaic of

1 differences over an area, kind of a pattern, if you
2 will, of live trees and burned trees and singed trees
3 and completely burned down trees and standing trees
4 that are dead, logs on the ground. All those things.

5 You know, the size and spacial
6 distribution of that may vary from the boreal forest to
7 the Douglas fir forest, there is no question about
8 that, and I don't know what those differences might be.
9 I could describe it in the forests of Oregon and
10 Washington and California. I can't describe it in
11 Ontario, but I am confident that the evidence is that
12 there is the same principle. It will be different in
13 terms of size and spacial distribution.

14 I really think that the principles of the
15 so-called new forestry tend to push us more towards
16 duplicating nature. It certainly does not duplicate
17 nature at all. We know from a biodiversity standpoint
18 that natural process is preferred and the closer we can
19 rely on natural processes or any like them probably the
20 better.

21 What those might be for the boreal forest
22 I don't know. I know what they are for the Douglas fir
23 forest. Your scientists and resource managers know
24 what they would be for the boreal forest, but it is
25 what the scientists call leaving kind of a legacy. If

1 you are going to intervene or disrupt a natural forest,
2 you want to leave enough of the naturalness there to
3 cause it to restore itself and recover as a natural
4 ecosystem.

5 In the Douglas fir forest, leaving a
6 legacy means leaving some dead material on the ground.
7 It used to be cleaned up and burned or hauled away for
8 pulp or fuel wood. It means leaving dead trees
9 standing, it means leaving a few green trees, it means
10 having a concern for all the animal life including the
11 non-vertebrates and plants, the lower levels of plants
12 that we normally don't think about but are part of the
13 ecosystem, part of the undisturbed ecosystem.

14 On page 48 I saw mention of advanced
15 regeneration which could be saved in a clearcut and
16 that was a little bit incongruent to me because I got
17 the impression that we needed to somehow clearcut and
18 start over again, and yet there was -- and that's the
19 way the boreal forest grew.

20 I don't argue with that, but at another
21 page it talks about removing commercial size timber and
22 saving advanced regeneration. So it suggested to me at
23 least that there are circumstances out there, perhaps
24 natural, that did have large trees and small trees on
25 the same place. And I agree, I think if it is there

1 you can save it. There are ways to log it and save it.

2 It also suggests that maybe there is an
3 alternative to the usual clearcutting as I envision --
4 what we have done in the Forest Service is we go off
5 and slick it off and start over again and we have
6 learned that and we are doing something different.

7 Okay. The areas of concern are offered
8 as mitigation and certainly backstop to some degree the
9 lack of data in integrated planning, and that's good.
10 You have to use what you have got. If you don't know
11 what's out there, then that's one way to do it. They
12 are a good idea, but I don't think it's enough. You
13 can't presume that the rest of the area should be
14 treated in a prescribed way when you don't know what
15 those values might be.

16 I had the impression that areas of
17 concern arise out of somebody volunteering, you know,
18 there is something here we have to save or something
19 here we ought to protect, and we don't always know that
20 in advance. There is not an inventory, and we talked
21 about inventory before. You really need one. It's a
22 huge, enormous task to inventory properties like you
23 have, but you have got to start working at it I think
24 and eventually accumulate enough information so that
25 you can have intensive management objectives for at

1 least some of the area.

2 The specific write-ups, as we have
3 discussed, for the AOCs are I think incomplete and
4 don't represent a complete environmental analysis for
5 what I would judge the Forest Service would require in
6 the U.S. for an environmental assessment.

7 Notwithstanding the hundred pages, you
8 know, I just can't speak to that. Perhaps it is there,
9 but the summary statements in these three or four pages
10 for each AOC do not reveal that. No objectives, no
11 real analysis, no evaluation of alternatives, no
12 documentation of public involvement other than the
13 public probably raising its hand and saying there is a
14 concern here.

15 I found it interesting that in one case,
16 I think it was a small area of concern, the decision
17 was to go ahead and clearcut the whole thing. I had a
18 hard time envisioning what the concern was then and I
19 really can't speak beyond that, but it seemed unusual
20 to me to have an area of concern and proceed to
21 clearcut what appeared to me to be the whole area.

22 MR. FREIDIN: What number was that one?

23 THE WITNESS: I have page 3 in my notes
24 here but that doesn't sound right; does it?

25 MS. SWENARCHUK: Q. I think it is, is

1 it, Mr. Smith, page 1, 2, 3 with the final prescription
2 on page 3?

3 A. Could be. Throughout this document
4 there is kind of an expressed concern for timber "tied
5 up". The Forest Service got involved in this kind of
6 language, too. It used to say it is tied up or locked
7 up, you are locking up timber.

8 To the public it was so transparent where
9 we were coming from that we were really concerned about
10 not being able to harvest or utilize timber. There is
11 nothing wrong with utilizing timber at all, but there
12 is also nothing wrong with not utilizing it and
13 protecting it for other kind of values. It reminded me
14 of the United States Forest Service, our past, in
15 reading this document and how the environmentlists and
16 other concerned beat us on the head with the very
17 language we used which said a lot.

18 MADAM CHAIR: Excuse me, Mr. Smith.

19 THE WITNESS: Yes.

20 MADAM CHAIR: You are touching on an
21 issue that the Board had raised and you have partially
22 addressed already and that is, do you think that the
23 national forest - and you are speaking from your
24 experience with the U.S. national forest - do you think
25 you have the luxury of in fact not having most of the

1 industry rely on your management of those forests?

2 I ask that because of your statement that
3 you can use timber or you cannot use timber with equal
4 effect. Obviously that's not the case in Ontario, we
5 don't have a division between national forests and
6 private land. All the area of the undertaking before
7 this hearing has to do with land that is used by the
8 industry and everyone else.

9 In the United States, if you didn't have
10 private lands and industry was completely dependent on
11 the decisions you made in the national forest, do you
12 think you would have the same flexibility to say: No,
13 we will do something else with that area?

14 THE WITNESS: I think it's a matter of
15 degree. I don't think you can put it in an either/or
16 situation.

17 Granted, it is my understanding that
18 there is much more private land production in the
19 United States than in Ontario. The industry in Oregon
20 and Washington operates on private land and in fact
21 about half of the production is off private land.

22 MADAM CHAIR: In Ontario private land is
23 a very small consideration.

24 THE WITNESS: That's the case in other
25 parts of the west. Private land is a very small

1 portion. Oregon and Washington and to some degree
2 northern California are an exception, but those
3 exceptions are significant because the land is very
4 productive.

5 The southern part of the United States is
6 somewhat the same, but in the rest of the west, the
7 Rocky Mountains and the inner mountain areas, it is
8 more like Ontario. Almost all the commercial forest
9 land is publicly owned. In Oregon, Washington,
10 northern California it is not, it is kind of 50/50, but
11 the industry is still dependent on national forest
12 timber and the nation in its demand appetite is
13 dependent on national forest timber.

14 MADAM CHAIR: But 18 per cent of the
15 production?

16 THE WITNESS: For 18 per cent of the
17 production.

18 MADAM CHAIR: That doesn't sound like
19 over-dependence on national forests.

20 THE WITNESS: I don't think it is
21 over-dependence.

22 MADAM CHAIR: It sounds like a very small
23 dependence.

24 THE WITNESS: If you remove 18 to 20 per
25 cent it is significant in the volumes that is used in

1 the United States. The United States is a net importer
2 of wood products and, in fact, in Oregon and Washington
3 and California -- well, I will say California certainly
4 is a net importer and Oregon and Washington import
5 also. I don't know if they are a net importer or not.

6 So I think it is a matter of degree. You
7 have got it in spades, we have got it in clubs.
8 Certainly there is a difference and in that respect
9 some of your Ontario public lands are going to have to
10 be dedicated to more timber production, I suppose.
11 There is nothing wrong with that, but you don't have to
12 sacrifice other resources. You can still produce
13 timber without sacrificing other resources, values and
14 you can certainly, looking ahead, concerning yourself
15 with sustainability, be concerned about biodiversity
16 and landscape management while harvesting timber on
17 your Crown lands.

18 Does that...

19 MR. MARTEL: Can I give you a
20 hypothetical then. It is not so hypothetical in the
21 context of northern Ontario.

22 You say we can do all these things. For
23 a moment I am a tourist operator, I have a lake that I
24 have a fly-in operation, the forest industry decides it
25 needs to supply a mill, it wants to cut to within 400

1 feet of the shoreline which opens up this lake for a
2 whole variety of uses, it destroys the wilderness. How
3 do you cope with that problem in the United States
4 where someone has his life's investment there and if it
5 is opened up you destroy the scenery that many people
6 come, the outdoor experience that people want in
7 wilderness, but the industry says I need the wood?

8 Now, how do you resolve that? I haven't
9 certainly haven't been able to figure it out and I have
10 been listening to evidence for three years. How do you
11 deal with that sort of fundamental issue?

12 MADAM CHAIR: I would add to Mr. Martel's
13 question. I think what he is getting at is, in the
14 eyes of the Board it is very difficult to see
15 physically what a multiple use forest looks like.

16 Certainly it is one thing to go into a
17 forest and see wood being harvested, to go to a lake
18 and see a tourist resort, to go to another area where
19 there is wilderness and you can see it is all part of
20 the forest, but this concept of an integrated multiple
21 use forest where everything -- where many things
22 theoretically take place at the same time on the same
23 piece of geography is a more complicated situation.

24 THE WITNESS: Let me -- first of all, I
25 will just you a bird's eye view of how it is dealt

1 with. This Willamette forest, everything probably
2 under my hand here all the way down is commercial
3 timber. As you get under the crest of the cascades it
4 is not so commercial. I mean, you can harvest some
5 there, it would be big enough, but it is not something
6 that you would consider to be sustainable. It would be
7 more like mining it because it would take 300 years to
8 get it back.

9 All of this is commercial timber, it
10 grows very well, it is very productive and the only
11 thing that's really available, as you say, for kind of
12 normal timber harvest is the brown. That means all the
13 other colours and shades are places like your fly-in
14 lake. It had been identified as special places with
15 other kinds of values and multiple use then tends to
16 stratify the land into, if you will, featured uses.

17 I am always reluctant to use that term
18 because it sounds like we are going to clearcut and
19 burn here and the heck with everything else and over
20 here we won't have any cutting. It is not that at all.
21 In fact, some of these other colours, we actually do
22 cut timber in them, but we cut it in a much different
23 way, a much -- as President Bush would say, a kinder
24 and gentler way.

25 So in a sense you have a good neighbour

1 policy within your own lands and you don't set up
2 wilderness, which is this blue, and clearcut right up
3 to the boundary. I mean, you figure that you want to
4 be a good neighbour, even with yourself. You would not
5 propose to put a sanitary landfill on your city lands
6 right next to my condominium development I hope. So
7 there is a transition there that -- you know, I call it
8 a good neighbour policy.

9 There is also the practicality of
10 deciding how much of everything you are going to have.
11 You only have so much land, so much potential. If you
12 decide in your long range strategic look at this that
13 you have got to have so much -- so many cubic metres of
14 wood, then you are going to try to get that from land
15 that can sustain it and still accomodate all the other
16 kinds of values you have, and there is the crux of
17 integrated planning.

18 I mean, you can't have year cake and eat
19 it too. You can't cut right up to 400 feet of this
20 lake and expect people to have the same kind of
21 experience or same kind of desire to go there that they
22 did when they fly in there and they see a different
23 kind of landscape. I mean, nobody wants to be plucked
24 down in a place and know that you can walk within about
25 three minutes and be into a clearcut.

1 We have the same thing. For example, we
2 have the Pacific Crest Trail that goes from Mexico to
3 Canada, 2,500 miles, and it goes through everything.
4 We don't clearcut right across it. I mean, sometimes
5 we will salvage some trees that are next to it, we will
6 try and keep the forest healthy and attractive looking.
7 We don't just clearcut right up against it. We don't
8 just provide a buffer of 200 feet or 400 feet,
9 particularly if you can see it for three miles when you
10 are there.

11 You know, quite frankly, it didn't affect
12 the production that much. Not as much as you would
13 think. It is not like going from a hundred per cent
14 production to two per cent. Usually our
15 silviculturalist and our wildlife biologist can figure
16 out ways to get a lot more out of it than what we had
17 thought.

18 MR. MARTEL: For example, you cut right
19 to the shoreline of lakes, streams?

20 THE WITNESS: We have in the past.

21 MR. MARTEL: And your new policy?

22 THE WITNESS: Our new policy, this plan
23 does not permit cutting to shore lines, streams or
24 lakes.

25 MR. MARTEL: So we had a doughnut in

1 effect for years and all of a sudden it disappeared and
2 it was replaced. A doughnut was a reserve around the
3 lake. It included all lakes and all of a sudden it
4 disappeared a number of years ago.

5 I don't know the discussion that went on,
6 but there was a doughnut and then there was no longer a
7 doughnut, and the Ministry's position at this hearing
8 has been, of course, you can get more lumber, if the
9 slope is right and the soil texture and certain
10 conditions and it is not a cold water lake for trout
11 you can in fact cut to the shoreline, not all the time
12 but depending on the conditions, but that was a policy
13 that disappeared which is opposite to what you are
14 saying you are moving to.

15 THE WITNESS: Yes. We have cut to the
16 water's edge in the past, particularly in Alaska but
17 not confined to Alaska, in the Pacific northwest as
18 well. We do not do that now.

19 We may remove trees from that shoreline,
20 but I think I am right in saying that none of those
21 trees or that volume is considered part of the
22 regulated cut; that is, it is not calculated as part of
23 the cut. It is removal of trees to enhance the health
24 of that forest or to remove safety hazards around camp
25 grounds or boat launches, that sort of thing.

1 Now, that is a change, but it is one the
2 public insisted on. You know, they won't tolerate
3 going to the shoreline, nor do I think it is a good
4 idea because that kind of massive disturbance is
5 difficult for the ecosystem to cope with.

6 MADAM CHAIR: Yesterday, Mr. Smith, you
7 gave us an estimate that as a result of moving from the
8 way you used to do forest management in Willamette,
9 specifically into this new plan, you guesse that you
10 had lost about 13 per cent timber production. I think
11 you gave figures of 56 and 30...

12 THE WITNESS: 38. That's the area
13 available.

14 MADAM CHAIR: That was the area
15 available.

16 THE WITNESS: The area available. This
17 is the 1977 plan, the plan that existed prior to this
18 new one.

19 The brown area is the general forest
20 available for timber harvest. There are modified
21 timber harvest in some of the other coloured areas as
22 well. That was 51.3 per cent of the forest acreage.
23 The new plan, that same brown area is 38 per cent. So
24 there was a reduction in the amount that was considered
25 kind of generally available for normal timber

1 practices.

2 MADAM CHAIR: Do you see that general
3 amount as being something that you would expect to see
4 in all the national forest areas as you move into
5 integrated management?

6 THE WITNESS: Yes.

7 MADAM CHAIR: Would it be in cases much
8 higher than a 13 per cent loss or...

9 THE WITNESS: I don't think it would be
10 higher in most cases. I think it would be somewhere
11 near that amount, perhaps a little less in some areas.
12 You are looking at a national forest that has been high
13 timber production. It was considered to be the timber
14 forest and that's the way it was managed. My
15 predecessors, it was their main job; cut the timber.

16 MADAM CHAIR: Thank you. One final
17 question on this. You referred yesterday to Dr.
18 Plochmann. Dr. Plochmann's name has come into this
19 hearing.

20 THE WITNESS: He is famous.

21 MADAM CHAIR: Apparently. The question
22 we have is with respect to the European model and that
23 is, we have some evidence to the effect that there is
24 intensive plantation management within the European
25 model, and is there intensive plantation management in

1 Willamette or the other national forests that fits into
2 the multiple use integrated concept?

3 By intensive plantation management, the
4 definition has been that it is strictly for timber and
5 that you would try to use any -- most methods possible
6 to get a very high yield.

7 THE WITNESS: The answer to that in
8 absolute terms is no, we don't practice that anymore.
9 I think if you look in the past that's exactly what we
10 were doing.

11 Let me quote or give you some excerpts
12 from a paper that it is an unpublished manuscript by
13 Dave Perry who happens to be a member of my little team
14 where we were developing this biodiversity guideline.
15 Perry says -- I am using some of his language when I
16 described my impressions of this Red Lake.

17 The Red Lake plan tends to follow the
18 approach used original in Germany in the 19th Century
19 and was used by the U.S. over the past several decades,
20 and that is to homogenize the forest and forest
21 landscape which results in reducing biodiversity or
22 natural diversity in order to concentrate on the
23 economics of wood production, and there are certain
24 short term advantages to that. Obviously that's the
25 reason we did it. It maximizes yields, it is

1 relatively simple management, it's fairly easy to do.
2 Foresters are quite good at it.

3 The disadvantage is that aesthetically it
4 is displeasing, some species habitat are completely
5 eliminated and you run the risk of less forest
6 stability due to decreased biodiversity.

7 Now the alternative is to manage in a way
8 that natural diversity is preserved to the extent
9 possible and the advantage is to retain natural
10 diversity, hence maybe the best alternative in terms of
11 long-term sustainability.

12 The disadvantages in the short term, the
13 timber management is more complex and there may be less
14 volume produced per acre. I see the Forest Service
15 moving out of that homogeneous mode into something
16 else. We are not there yet, but we are certainly
17 moving in that direction and I see the Ontario
18 situation, as I have reviewed these plans, as being
19 somewhat where the Forest Service has been.

20 My advice would be to recognize that you
21 need to trend in the other direction. You can't get
22 there over night. The economics and your circumstances
23 won't permit that, but it seems to be trending towards
24 that. It's a very worthy objective.

25 MS. SWENARCHUK: Q. Just one question on

1 this series of questions, Mr. Smith. In your last few
2 comments with regard to the Perry article you used
3 phrases like less forest stability and then you used
4 terms like long-term sustainability.

5 In your view are there any implications
6 for timber productivity of a use, management practices
7 that foster biodiversity or that in some way, like the
8 new forestry initiatives, attempt to emulate natural
9 processes more?

10 Are there any implications from that with
11 regard to the actual productivity of the land for
12 timber?

13 A. I think the short-term productivity
14 probably will decline a bit. Most of the evidence from
15 our scientists would indicate that the long-term
16 productivity has probably improved. You know, there is
17 not absolute scientific prove of that, but there's too
18 many people out that there that are telling us that to
19 disbelieve it.

20 MR. MARTEL: Would the decline be because
21 you would lose some of the area that you might have to
22 cut, but in fact over the long-run, over a rotation you
23 would get back equal to what was there previously?

24 THE WITNESS: I think that and perhaps
25 more. Our practices are eroding the capability of the

1 land itself. We may not recognize that for a while,
2 but in the long-run these forests will not be as stable
3 as they were and, thus, subject to all kind of decline,
4 decline on growth rates and disease, insects.

5 You know, I think the scientists are
6 saying there is enough uncertainty about this, but
7 still enough evidence to indicate that it is a real
8 problem and that, you know, changing today may allow
9 the future production to be better than it would have
10 been otherwise.

11 MS. SWENARCHUK: Madam Chair, I don't
12 propose to start a new subject before lunch with Mr.
13 Smith.

14 I would just like to take this
15 opportunity, though, to make a few comments with regard
16 to the position of Forests for Tomorrow in relation to
17 this planning process. I hope that will assist you as
18 you hear the remainder of the evidence.

19 You will have noted that our condition 92
20 which talks about a five-year process of preparing to
21 development and implement an integrated forest
22 management planning process then follows with what we
23 propose as the components of that integrated management
24 planning process.

25 Those components are briefly stated in

1 about five pages of text. Of course they do not
2 restate at all the immense detail of the planning
3 requirements through the various legislative standards
4 we have provided for you in the source book. In other
5 words, we have not suggested that Ontario adopt
6 wholesale a planning approach equivalent to that used
7 on the U.S. Forest Service plans for a number of
8 reasons.

9 The financial reason being a major
10 element; the differences between Ontario's northern
11 areas reliance on timber extraction versus the
12 economics of the United States industry; and thirdly,
13 some of my friends at the back will be surprised to
14 hear me say this because Forests for Tomorrow have not
15 purported to instruct the Ministry as to what this
16 planning process should look like for all of Ontario.

17 Rather, what we are attempting to bring
18 before you is a model of another planning process
19 which, in our view, is moving a large public land
20 manager towards a kind of integrated forest planning
21 which Forests for Tomorrow considers superior to the,
22 in our view, non-integrated approach used in Ontario.

23 In our term and condition overall and in
24 condition No. 92 what we have provided is an outline of
25 what we think integrated planning should be like on

1 Ontario forest lands and what some of the principles
2 and components of that should be.

3 We have talked about a five-year
4 planning -- a five-year process in which we believe it
5 will be the role the Ministry, if you should so find,
6 to take all of these concerns which we don't purport to
7 resolve before you and with full consideration for all
8 of the differences between Ontario and the United
9 States and with consideration of these principles which
10 Forests for Tomorrow considers desirable in forest
11 planning, develop an Ontario approach to integrated
12 forest resource planning superior to the current one
13 before you and probably quite different than the U.S.
14 Forest Service approach, but moving towards that goal
15 of integrated resource management on our forest lands.

16 MADAM CHAIR: Thank you, Ms. Swenarchuk.

17 Lunch time. We will be back at 1:30.

18 Thank you.

19 MS. SWENARCHUK: Thank you.

20 ---Luncheon recess taken at 12:00 p.m.

21 ---On resuming at 1:30 p.m.

22 MADAM CHAIR: Please be seated.

23 MS. SWENARCHUK: Q. Just a couple of
24 preliminary matters. Mr. Smith, would you indicate for
25 the Board what in your view is the current situation

1 with regard to extraction of timber on private lands in
2 the U.S.?

3 A. Let me speak to the Pacific northwest
4 specifically. The private timber lands in Oregon,
5 Washington, northern California are very productive.
6 They represent about half of the production in those
7 states, but they have been an accelerated harvest
8 schedule so that the warehousers, the George Pacifics,
9 the Louisiana Pacifics which are large timber holding
10 companies that also process logs have been cutting
11 since the 50's and 60s at a rate faster than what they
12 can sustain on an even flow basis.

13 Now you see these companies no longer
14 able to maintain their operations from their private
15 holdings and they are moving on to the national forest.
16 The national forests are not producing anymore. In
17 fact, with this next generation of planning they are
18 producing less, but the very large companies are
19 competing for that supply.

20 Right now most of the privately held
21 forest lands in those states are in age classes that
22 are not commercial. That's not to say that the lands
23 are not in good shape. I think by and large they are,
24 but they are occupied by trees of 30 years and younger;
25 therefore, they are not available for cutting.

1 This has caused sort of a dilemma for
2 much of the industry, particularly the small logger and
3 the smaller mills in that they now have to compete with
4 the larger firms for national forest timber supply.

5 The 18 per cent we were talking about
6 earlier, at least in the Pacific northwest where that
7 historically has been closer to 50 per cent, that
8 relationship, national forest to private, is changing
9 so that the national forest is providing a larger share
10 of the supply percentage wise.

11 Now, eventually those private lands will
12 grow into commercial size and there will be another
13 shift back. Just what's going to happen in the economy
14 I'm not sure because there are many mills closing down,
15 there is loggers that are going out of business when
16 these large companies return to their private lands and
17 when the national forest supply is not competed for
18 with the large companies then I suppose there is
19 another opportunity for smaller firms to move back in,
20 but in the meantime it is very market.

21 When I was forest supervisor of this
22 forest in the mid 70's or early 70's the warehouser
23 company who is present in the Eugene Springfield area
24 did not buy a single stick of national forest timber.
25 When I returned I found out they were a major purchaser

1 of national forest timber and it reflects the situation
2 of having run out of their own commercial size and
3 moving to national forest.

4 Q. Do you have any information with
5 regard to the Georgia Pacific companies?

6 A. The Georgia Pacific company, large
7 company in Oregon has moved out of Oregon.

8 MR. COSMAN: Sorry, moved out of...?

9 THE WITNESS: Has moved out of Oregon.
10 They cut their lands over and they have moved their
11 operations to the southeast part of the United States.

12 I guess the other thing I could add to
13 that is that the private lands are more and more
14 becoming subject to regulation. I think we perhaps
15 mentioned this yesterday, but the States and even the
16 forest industry itself are adopting changed regulations
17 concerning clearcut size.

18 I just picked up, just a few days ago as
19 a matter of fact, dated March 15th of 1991, a newsclip,
20 16th of March, that talks about in California the Board
21 of Forestry which is a policy setting board for private
22 lands in California. It has hearings scheduled on
23 regulations relating to harvesting of younger trees and
24 achieving maximum sustained production, a hearing on
25 protection on archaeological and historical sites -

1 this is all on private land mind you - regulations on
2 water course and lake protection and hearings being
3 scheduled on the application of the concept of
4 biological diversity and landscape forestry and forest
5 practices rules. Another hearing committee working on
6 the status of the review of California's owls.

7 So private lands are no longer managed in
8 the United States just according to what the private
9 land owner might wish to do on an economic basis.

10 There are these broader public values that are coming
11 along, and to date the courts have not determined that
12 this constitutes taking of private rights. You know, I
13 suspect there is going to be a threshold that they may
14 cross and the courts will end up deciding those issues.

15 MS. SWENARCHUK: Q. I would like to turn
16 now to the question of monitoring individual forest
17 plans. Could you begin by indicating what regulations
18 pertain and explaining the type of monitoring
19 procedures that are required for the national forest
20 plan?

21 A. The National Forest Management Act
22 provides for monitoring and the regulations that
23 implement that act, the regulations that were developed
24 by the committee of scientists outline the specifics.
25 That is in your exhibits, it is the National Forest

1 Management Act Regulations, the Code of Federal
2 Regulations.

3 So it is required as a part of forest
4 plan implementation. It is defined as the repeated
5 gathering and sampling and recording of pertinent
6 information for comparison and evaluation of forest
7 plan's objectives, standards and guidelines.

8 There is three levels of monitoring that
9 are recognized. There is implementation monitoring
10 which collects the data and information to answer the
11 question: Is the plan being implemented as intended.
12 I would say it is kind of like compliance. Is the
13 Forest Service actually doing what it said it would do,
14 and there is ways to, you know, periodically check that
15 and accumulate information.

16 The second level is effectiveness
17 monitoring. That collects the information and data to
18 answer the question: Are anticipated plan results;
19 that is, the desired condition or desired feature being
20 achieved. In other words, when we do these things and
21 we comply with those things is the result what we
22 predicted it would be.

23 Then the third level and last level is
24 validation monitoring. That tests the validity of the
25 planning assumptions and the data that were used to

1 formulate the plan itself. So were the initial
2 assumptions and data correct.

3 All three are designed to provide a
4 feedback loop to the planning process to trigger
5 amendments which might be minor or major revisions, a
6 revision that would force the Forest Service through a
7 similar process as we use to develop the plan to begin
8 with.

9 To date there has not been anything like
10 that. There have been two amendments, minor amendments
11 to this plan. One had to do with the chief's direction
12 relating to spotted owl habitat, a threatened and
13 endangered species; and the other had to do with a
14 mistake that was discovered on the land available for
15 off-road vehicle use. Those were considered minor
16 adjustments that didn't require, you know, starting
17 from ground zero.

18 However, if the Congress should pass a
19 statute that materially changed the environment which
20 this plan was developed from, like, say, the ancient
21 Forest Act that has been kicked around some and could
22 change the land base considerably, then they might have
23 to go back and make a major recession. In that case
24 you go through an environmental impact statement and
25 the whole thing. Obviously it wouldn't take nine years

1 to do it, it might take nine months to do it.

2 Nonetheless, it would be a major undertaking and would
3 change things considerably.

4 Now, in monitoring, the public is to
5 participate, the regulations require this and the
6 Forest are now developing means by which the public is
7 kept informed and participates in monitoring. We are
8 really just getting our feet wet in this. One can
9 become very bogged down in monitoring.

10 So it is important to figure out ways
11 that measure and sample it without investing huge
12 amounts of resources. As I say, we are learning about
13 that. We are doing some research through the
14 universities and through the Forest Service research
15 effort to determine what kind of indicators there are
16 that, you know, particularly if our effectiveness is
17 working.

18 As it progresses, forest supervisors are
19 now reporting back to the public the results of, say, a
20 year's time and I just happen to have a monitoring
21 report that was published for the first year of the
22 Okanogan National Forest Plan in northcentral
23 Washington State and it is kind of a popularized
24 version of a report. I think a very nice document. It
25 lists all the things that are to be monitored and what

1 the status of them are, what the findings are. I would
2 anticipate that they would do this once a year and the
3 public would have an opportunity to comment on that.

4 MADAM CHAIR: Ms. Swenarchuk, the Board
5 would like to see that as an exhibit.

6 MS. SWENARCHUK: Fine. Sorry, he don't
7 have any other copies.

8 THE WITNESS: By the way, that came in
9 the mail just about the time I left for the hearings,
10 so that's why I don't have multiple copies.

11 MS. SWENARCHUK: It is entitled
12 Monitoring Report for the Okanogan National Forest,
13 dated, I guess, March of 1991. I don't see a date on
14 it.

15 THE WITNESS: That's when I received it.

16 MADAM CHAIR: That will be Exhibit 1763.

17 ---EXHIBIT NO. 1763: Published report entitled
18 Monitoring Report for the
19 Okanogan National Forest,
dated March of 1991.

20 MS. SWENARCHUK: Q. Now, Mr. Smith, I
21 believe the monitoring sections of the Willamette
22 National Forest Plan are in Chapter 5 of the plan
23 itself, Exhibit 1754A.

24 I don't know if you have any comments to
25 make on this. If you have, feel free.

1 A. I don't think I have anything further
2 to add to that unless there is a question.

3 Q. Okay.

4 A. What I just outlined to you about
5 monitoring is the strategy that the Pacific northwest
6 region provided to the forest, including to the
7 Willamette.

8 MR. MARTEL: Who does the monitoring?

9 THE WITNESS: The Forest is responsible
10 for the monitoring. That would be a mix of ranger
11 district personnel, forest level personnel and the
12 public.

13 Now, I'm sure the regional forester will
14 want some of his staff, his headquarter staff to be in
15 and out of the monitoring process, particularly, you
16 know, following it and providing guidance along the
17 way. It's basically the national forest level
18 responsibility.

19 MS. SWENARCHUK: Q. Mr. Smith, have you
20 had an opportunity to review Forests for Tomorrow
21 condition 39 with regard to monitoring?

22 A. Yes, I have read condition 39 and I
23 think it's good. My own view is that it will be
24 difficult to accomplish within probably what budget and
25 staffing is available.

1 I guess my advice is to carefully study
2 how to accomplish that and not get bogged down in a lot
3 of technical monitoring schemes. In fact, before I
4 retired I felt that in monitoring these plans, as
5 valuable as anything would have to be an
6 interdisciplinary group of people visit on the ground
7 examples of performance. This would include the public
8 and other agencies and the various disciplines within
9 the Forest Service.

10 That doesn't take away from -- I think
11 condition 39 is a good one. I just caution you that it
12 can really drag you down in trying to accomplish it
13 within reasonable budget and staffing.

14 Q. Okay. I would like to turn now to
15 the question of clearcut size. In the regional guide
16 which is Exhibit 1755, if we turn to page 3-7 of the
17 guide --

18 MADAM CHAIR: Which exhibit number?

19 MS. SWENARCHUK: 1755, Madam Chair. Page
20 3-7.

21 Q. The last paragraph on the page has
22 the heading Size and Dispersal of Openings and State of
23 Vegetation and it talks then about clearcut size
24 limits.

25 Mr. Smith, those limits occur also in

1 legislation; do they not?

2 A. They occur in the regulations. I
3 don't recall them occurring in the statute.

4 Q. Yes.

5 A. I have to think about that.

6 Q. In the regulations, excuse me.

7 Madam Chair, in our source book these
8 regulations which we saw back in MNR's Panel 10 are
9 reproduced in the second last page of the source book,
10 that's page 69 of Title 6 of the regulations. Page 69,
11 the second last page of the source book. This is
12 regulation paragraph No. 219.27, subparagraph (d)(2).

13 Q. Now you explained for us yesterday,
14 Mr. Smith, the role of the regional guide in the
15 planning process documentation.

16 With regard to clearcut sizes that are
17 indicated in that guide, could you explain for us how
18 those limits were carried into the Willamette plan and
19 your view on the question of clearcut size limits?

20 A. All right. The regulations of course
21 prepared by the committee of scientists established
22 these limitations. A hundred acres for Alaska, 60
23 acres for the Douglas fir region and 40 acres
24 otherwise.

25 They came up with this as a matter of

1 professional judgment based on all the things that, you
2 know, bear on that subject: silviculture, other
3 resource values, et cetera. The regional guide which
4 provides the more specific planning direction to the
5 forest plan simply carries that forward as a standard
6 and guideline that must be complied with. That then
7 finds it in the plan itself that becomes a standard and
8 guideline in the Willamette plan.

9 The regional guide provides more
10 direction on exceptions. We acknowledge that there can
11 be exceptions to these size limits and the regional
12 guide outlines, I think, four criteria that, you know,
13 could lead to exceptions. They are at the bottom of
14 the page that counsel has drawn to your attention.

15 When these regulations were formulated,
16 the Forest Service had pretty much gone to this
17 standard already and that wasn't because it just came
18 to light, it was because public sentiment and desire
19 had forced the Forest Service into that position. So
20 when the regulations were issued it didn't come as a
21 big surprise. In fact, the Forest Service was able to
22 really slip into that because they were trending that
23 way anyway.

24 In practice, the average size is somewhat
25 smaller than the limit. In other words, if you look at

1 the Willamette clearcuts, they are averaging probably
2 less than 30 acres now. They are not averaging 39.5
3 acres. They are quite a bit smaller.

4 Exceptions I guess are not uncommon, but
5 they are not frequent either. There is an occasional
6 exception that is approved. They usually are in
7 combination with an older clearcut that hasn't fully
8 lost its definition as a clearcut. In other words, if
9 you had a 30 acre clearcut and another clearcut to be
10 placed near it, the combination of the two might have
11 exceeded the 60 acres.

12 Now, the old clearcut is not a fresh one.
13 If there was a clearcut that was harvested some years
14 ago, it has got new trees growing on it but it hasn't
15 met the criteria to be considered not a clearcut
16 anymore, and I can't remember exactly what those
17 criteria are, a certain height and certain stocking and
18 so on, the district may want to have another clearcut
19 right next to it for whatever reasons and there could
20 be a variety of reasons for that, but in combination
21 this exceeds 60 acres.

22 Now, the Forest told me last week that
23 that is what usually represents the exceptions. It is
24 not that the district ranger wants to make a hundred
25 acre clearcut out here all about itself. That hardly

1 ever happens.

2 MR. MARTEL: Is there indication any
3 indication -- how do you decide the size between
4 clearcuts?

5 We've heard evidence from various parties
6 that that isn't sufficiently large to protect wildlife
7 and so on. Is there some way in your system, let's say
8 we are doing some sort of checker-boarding, that there
9 is a sufficient amount to protect the wildlife?

10 THE WITNESS: Let me go back to a
11 drawing. Remember yesterday I talked about
12 distributing clearcuts in kind of an even fashion. It
13 was thought at one time that it was good to sort of
14 stagger these clearcuts and leave a block that you can
15 come back 50, 60 years or some period of time and take
16 that block, and that this provided the necessary buffer
17 or untouched area to satisfy other needs.

18 From a biodiversity standpoint, that
19 represents a fragmentation that is apparently not good.
20 I'm not a scientist in that respect, but I think they
21 make a very strong argument that it is better to leave
22 large blocks untouched rather than take a similar area
23 of land and place clearcuts in it like this, kind of
24 well distributed and well dispersed.

25 You lose more from the value of these

1 leave areas. In other words, this leave area is not as
2 valuable as if you made these clearcuts even closer
3 together, it may be even larger, and left larger blocks
4 of untouched or old growth or natural. You have got to
5 be very careful doing this because you might say: If
6 this is good why not really go all the way. Why not
7 make a thousand acre clearcut, but then you get
8 involved in all the other problems because you so
9 drastically intervened that you disrupted the natural
10 processes totally.

11 So what we are doing now is not simply
12 leaving a fixed amount for wildlife or other values,
13 even though, you know, wildlife can use these areas.
14 The elk, for example, in our country will use it for
15 cover and shelter. They like to browse in the clearcut
16 and run into the uncut.

17 So obviously you can't have a very large
18 area and expect it to be used for wildlife if there is
19 no cover and shelter that they can run into, but as a
20 general principle we prefer to not fragment like this
21 and leave larger blocks that are left to natural
22 processes. Leave those sort of in tact and then come
23 back later and work those over. So you may end up with
24 a little more frequency of cutting in the area than you
25 would have under this part, but then this large block

1 would have been left a lot longer, without any activity.

2 I feel like this is an awkward way to
3 tell you about that, but it has to do with
4 fragmentation and fragmentation is a bad thing for
5 diversity scientists say, and I agree with that.

6 MS. SWENARCHUK: Q. Mr. Smith, when you
7 talk about enlarging a cut by perhaps permitting a cut
8 adjoining it, making what we have described in this
9 hearing as contiguous cuts, making it larger, can you
10 give us a sense of the continuum of largeness that you
11 are talking about? If it wouldn't be a thousand acres,
12 what might it be?

13 A. Going back to the other illustration,
14 the old cut might be 30 acres and the new cut 35 acres
15 for a total of 75 acres and the limit is 60 acres.

16 Q. It totals 65; right?

17 A. 65, right. The Forest told me that
18 they are not aware at any time -- I think they said
19 there was 120 acre exception in their memory, but
20 usually there are much smaller exceptions. They exceed
21 the 60 acres by a very small amount, less than a
22 hundred acres, and even that is not a routine thing.
23 They are almost always under 60 and the average is
24 under 30. So on the scale of things, you know, it is
25 very, very small relatively speaking.

1 Q. Now, as a professional forester, do
2 you support having these clearcut size limits for the
3 standard?

4 A. Yes, I do. I think, you know, there
5 are advantages and disadvantages to small size
6 clearcuts and I acknowledge those, but I think the
7 advantages outweigh the disadvantages.

8 I would much prefer to have smaller
9 clearcuts and accept those disadvantages than to have
10 large clearcuts and accept the disadvantages associated
11 with them.

12 So the clearcut size does not bother me
13 and the evidence shows that the Forest Service in going
14 doing quite well with average sizes considerably below
15 the maximum with an occasional exception.

16 Q. I want to turn now to the question of
17 integrated pest management and distribute the next
18 exhibit.

19 MADAM CHAIR: Thank you. That will be
20 Exhibit 1764. Could you identify that exhibit, please?

21 MS. SWENARCHUK: This is a two-page
22 letter dated June 27th, 1979 from Mr. Smith in his
23 position as Regional Forester to Deputy Regional
24 Foresters Chaffin and Cermak.

25

---EXHIBIT NO. 1764: Two-page letter dated June 27th, 1979 from Mr. Smith in his position as Regional Forester to Deputy Regional Foresters Chaffin and Cermak.

MS. SWENARCHUK: Q. To begin this subject, Mr. Smith, would you please turn to the Pacific Northwest Guide, Exhibit 1755, page A-8.

On this page we see a definition of integrated pest management at the top of the page. The definition reads:

"A process for selecting strategies to regulate forest pests in which all aspects of a pest host system are studied and weighed. The information considered in selecting appropriate strategies includes the impact of the unregulated pest population on various resource values, alternative regulatory tactics and strategies and benefit/cost estimates for these alternatives strategies. Regulatory strategies are based on sound silvicultural practices and ecology of the pest system and consist of a combination of tactics such as timber standing improvement plus selective use of pesticides. A basic

1 principle in the choice of strategy is
2 that it be ecologically compatible or
3 acceptable."

4 Do you agree with this as a definition of
5 integrated pest management, Mr. Smith?

6 A. Yes, I do. I would only add that the
7 Forest Service includes human health and safety as
8 another factor involved there. That does not appear in
9 this definition, but the Forest Service does in fact
10 consider that benefit.

11 MR. COSMAN: Madam Chair, before we get
12 any further in this line of questioning, I have no
13 objection to this witness as a manager, as a bureaucrat
14 giving this kind of testimony, but this is not a
15 backdoor's effort to get into the validity or any
16 evidence, such as the kind of evidence that has been
17 withdrawn on the impact of such chemicals on human
18 health and safety.

19 Perhaps just for the record we should
20 make it clear that this witness is not qualified as a
21 scientist to comment or testify in any of that. If he
22 as a forester and as a bureaucrat managers wants to
23 adopt a policy in that direction, that's certainly
24 fine, but it is not evidence before this tribunal on
25 any aspect of whether or not use of such chemicals are

1 good or bad.

2 MS. SWENARCHUK: Madam Chair, I do not
3 intend to ask Mr. Smith any questions with regard to
4 the human health effects of 2,4-D.

5 MADAM CHAIR: Thank you, Ms. Swenarchuk,
6 Mr. Smith.

7 MS. SWENARCHUK: Q. I would like you to
8 explain for the Board, Mr. Smith, your experience as a
9 manager in the U.S. Forest Service with integrated pest
10 management, your experience in managing on that basis
11 and your views of this as a strategy for managing the
12 forest?

13 A. Right. It is correct I'm not a
14 toxicologist or an entomologist or any technical person
15 as far as pest management goes.

16 However, I have directed large programs
17 that include the concern of pests of various types.
18 The integrated pest management approach is the policy
19 of the Forest Service and I endorse that. I think it
20 as a manager and a forester it is the right approach.

21 The Forest Service has used pesticides of
22 various types, both herbicides and insecticides and
23 biological controls in its programs. It has moved
24 dramatically away from the use of chemicals in the past
25 years, primarily because there is very little public

1 support for the use of these materials and we have
2 discovered alternatives that are reasonably effective
3 and allow us to accomplish our objectives.

4 This has been a long standing controversy
5 in the U.S. That's why my letter dating back to 1979
6 was provided to you. Even before that when I was
7 supervisor of this forest I had a management policy
8 that would not use chemicals because it was not proven
9 to me that we had to use them in order to reach our
10 production goals, and at that time they were highly
11 controversial and it's not really a question of whether
12 it is right or wrong, it is a matter of whether people
13 who own these forests want you to use them or not.

14 The crux of my direction to the deputy
15 regional foresters in 1979 was that we should use
16 chemicals as a last resort, that we should attempt to
17 discover and implement alternatives such as different
18 silvicultural prescriptions, use of fire as an
19 ecological tool to eliminate the need, to use
20 mechanical means, cutting brush or whatever, or
21 scalping grass. Almost all of the pesticide use in the
22 Forest Service had to do with re-establishing forests
23 after harvest and then releasing those trees so that
24 they are free to grow following their establishment,
25 and in the Pacific northwest and northern California

1 presence of brush in these harvest units constitute a
2 problem.

3 In many cases where we thought brush
4 species were inhibiting growth, they did in fact for a
5 while but the biologist and silviculturalist I worked
6 with on the forest I worked on concluded that
7 oftentimes the trees eventually topped the brush and
8 catch up on their growth. I don't think there is
9 anything conclusive about that, but we were satisfied
10 that the difference was not that great.

11 The use of pesticides now -- chemicals,
12 has been sort of returned. I should say that there was
13 a period of time when the Forest Service didn't use any
14 chemicals because the courts had an injunction on their
15 use until we completed a complete environmental impact
16 statement concerning their safety and utility.

17 Following that activity, in which we
18 found that there were certain chemicals that could be
19 used and prescribed the conditions under which they
20 would be used, all the safeguards, the Forest Service
21 now considers chemicals as an valuable tool. I think
22 it is safe to say the Forest Service would prefer not
23 to use them. We believe that they are safe, but where
24 there is an alternative that is workable, we will do
25 that.

1 In terms of judging the cost
2 effectiveness of it, we also include the cost of
3 handling the controversy and the enormous
4 dissatisfaction that the public has about using
5 chemicals in the forest. It is not a free ride by any
6 means.

7 So now we are using them, but very, very
8 limited in their application. Usually done on the
9 ground with ground application either by hand or some
10 sort of machine, very little aerial application and
11 usually in combination -- when it is used, usually in
12 combination with some other kind of mechanical or
13 manual technique like cutting brush species and then
14 applying spot treatments so the chemical is on the cut
15 brush. There are some species of brush in our part of
16 the world that when you cut it it simply stimulates
17 growth and it just branches out and you are back into a
18 worst situation than you were. So in some instances we
19 are using chemicals to spot a tree.

20 There are very, very strict rules about
21 application near streams, monitoring the streams, the
22 weather conditions under which chemicals can be used,
23 winds, et cetera, et cetera.

24 So I guess in summary, that tool is back
25 in our tool kit, but we are very cautious about using

1 it. It is kind of a last resort and we are getting by
2 with quite a lot less use of chemicals than we did
3 before.

4 Another thing I want to mention is that
5 when we compare costs we don't compare the result, the
6 cost of a result in, say, a spraying job using
7 chemicals with what we actually need. Seldom do we
8 ever need to kill everything on the ground. We need to
9 release plants, we need to provide planting spots. We
10 don't need to eliminate all the brush species or all
11 the grass.

12 So if we go in mechanically we are not
13 attempting to remove all the grass and all the brush,
14 we are trying to provide a planting spot and then later
15 room enough for a tree, a crop tree to grow. So the
16 cost comparison is not what some people might like you
17 to do. We don't attempt to cost out what it would cost
18 us to mechanically move every blade of grass or every
19 brush species.

20 MADAM CHAIR: Have you done a comparison
21 on the size of the treatment areas?

22 MR. COSMAN: I'm sorry, Madam Chair, I
23 can't hear you.

24 MADAM CHAIR: Have you done a comparison
25 on the size of the treatment areas used to treat with

1 chemical sprays versus what you can do practically with
2 people on the ground?

3 THE WITNESS: Just the sheer volume of
4 effort? I don't know that we have done studies. I
5 believe our people know how much a crew of people with
6 a ground machine or with chain saws or whatever can do
7 per acre and the cost per acre. They have those kinds
8 of data. I don't know if there has been a study as
9 such. There has been an accumulation of experience
10 that allows us to cost those things out.

11 MADAM CHAIR: Are you treating as large
12 an area now mechanically as you were when you were
13 doing chemical spraying?

14 THE WITNESS: We are not and the primary
15 reason is we found we don't need to. I think that our
16 people were pretty much routinely clearcutting,
17 burning, spraying, planting and one, two or three
18 applications of chemical to release. We found that we
19 don't need that.

20 So we are not having to duplicate what we
21 did with aerial spray and yet we are coming, you know,
22 close to the same end result in terms of timber
23 production.

24 MS. SWENARCHUK: Q. Now, you have
25 indicated that the U.S. Forest Service is using less

1 chemicals now, fewer chemicals now than in the past.
2 What information do you have about trends for the
3 future?

4 A. The future would be kind of
5 speculation on my part, but I can't see the general
6 public being any more comfortable with chemicals in the
7 future than they are today.

8 I think there is too much evidence that
9 there are certain -- or uncertainties involved even
10 though some of the materials that we use now we feel
11 are completely safe. Most of us use them in our
12 backyards and we don't worry about that much.

13 But I think the trend is to move away. I
14 think we have tried to challenge our silviculturalist
15 and biologist to find alternatives to chemicals. In
16 fact, I told the people in the region I worked in:
17 Let's find a way to practise forestry without
18 chemicals, and I think they were making progress on
19 that. We haven't totally done it and still get
20 everything we want, but we have moved significantly
21 towards the non-chemical side.

22 MR. MARTEL: How much are you using and
23 how serious are the pests? In other words, we have
24 various things that infest our forests and there is
25 stalemate right now through government saying: No, you

1 won't use insecticides, but how extensive is the use of
2 insecticide, if at all, in the U.S. Forest Service?

3 THE WITNESS: I can't speak to that
4 authoritatively, but let me tell you what I think.

5 I think there is very, very limited use
6 of insecticides. In the west, I can't think of any
7 extensive use, although I may have missed something.
8 We are using biological, some biological controls. I
9 think probably Ontario is, too, BT and some others, but
10 it seems to work reasonable well.

11 In California, we even try to avoid that.
12 We found that our scientists were watching these
13 populations as they peaked and crashed and the use of
14 BT our scientists felt was actually prolonging some of
15 these cycles. So we did a little bit of experimenting
16 and just kind of living with it for a while.

17 The basic principle that we like to
18 follow is to keep these ecosystems whole and healthy
19 enough so that they overcome these disturbances. I
20 don't think there is a whole lot of scientific proof of
21 this, but I think there is a tendency on the part of
22 the Forest Service and the scientists who are advising
23 us that we should give that more of a chance.

24 MS. SWENARCHUK: Q. Can you indicate
25 what the trend has been during the 80's with regard to

1 the use of 2,4-D by the U.S. Forest Service?

2 A. During the 80's the use of 2,4-D has
3 greatly diminished. Again, I'm not qualified to talk
4 about individual chemicals, but I know that 2,4,5-T and
5 2,4-D were both chemicals that were -- for a while they
6 were not used at all. I think 2,4-D maybe is used to
7 some limited extent now. There are some chemicals, I
8 understand, that can do the job that are less
9 controversial.

10 Q. I would like to turn now to the
11 question of access planning within the U.S. forest
12 planning process, and would you please explain for the
13 Board how access planning is done with reference to the
14 Willamette plan?

15 A. All right. Access planning which
16 essentially deals with roads is an implementation
17 activity of the forest plan itself. The plan and its
18 targets and outputs imply road access, so the engineers
19 with other resource scientists for each national forest
20 and with ranger district, operational people
21 participating will develop what they feel is a road
22 network on paper that will fulfill the multiple use
23 activities envisioned in the plan.

24 MADAM CHAIR: Excuse me, Mr. Smith. You
25 said that road network would be designed by the Forest

1 Service?

2 THE WITNESS: Yes. Roads because of
3 their nature, the public is intentionally interested
4 add somewhere along the line the public gets involved
5 in reviewing and commenting, but initially we take the
6 plan and we try to visualize what kind of a road
7 network will be necessary or optimal to accomplish the
8 purposes of the plan. That is done with an
9 interdisciplinary team, soil scientist, wildlife
10 biologist, engineers, foresters, recreation
11 specialists, whatever.

12 MADAM CHAIR: Excuse me. The same people
13 who might have authored the plan?

14 THE WITNESS: They might be, although
15 they could be different ones as well. There is a lot
16 of things that are considered, cost, location, design
17 standards, effect on the resources, traffic management.
18 You know, anything that you can think about that a road
19 might involve.

20 The key is that a resulting road system
21 will serve the purposes of the plan and provide the
22 least impact on the environment. Roads by their very
23 nature impact the environment. It's difficult to avoid
24 that.

25 Once that is done, then any individual

1 road before it is built it subject to an environmental
2 analysis with the full alternatives and evaluation and
3 eventually a rationale for selecting a route. It is
4 easier to talk about integrated planning and decisions
5 than it is to actually implement it.

6 I mentioned yesterday the difference
7 between interdisciplinary design of a project like a
8 road or timber sale and multi-discipline and here is
9 where the Forest Service is still learning and catching
10 up, I believe. You know, I think we used the example
11 yesterday of accesssing a timber harvest area and you
12 can look at that from the standpoint of making it most
13 cost effective and most facilitating to the timber and
14 that might end up with a road in one place.

15 If you look at it from all the other
16 resource standpoints, it might cause the road to be put
17 somewhere else. It might even change the standard of
18 the road. A road can be anywhere from a one lane dirt
19 road with turn-outs to a double lane, paved road with
20 white lines down the side and down the middle. The
21 Forest Service has all those kinds of roads. The
22 Forest Service is a very large road manager. In fact,
23 they purport to be the largest road manager in the
24 world, a single agency large road manger in the world.
25 There are thousands and thousands of miles of road.

1 So the point is that when you look at
2 access you have to decide all those things to not only
3 serve timber and economics, but to serve the other
4 resources as well and as a result sometimes the road
5 doesn't go where you might think it would just for that
6 timber sale. That's, again, easier said than done
7 because it is in the pressing time and getting things
8 done. It is easier to think about it in kind of a
9 straight line view.

10 That's the way it is done and the EA
11 process, the environmental assessment process brings
12 the public in as a participant in the location, the
13 standard and, you know, the parameters of that road.

14 MR. MARTEL: In your plan, did you at
15 least on paper have people make the layout for the
16 whole forest, that whole forest or is that still done
17 in chunks in conjunction with the proposed work that's
18 going to take place?

19 THE WITNESS: There are two things I
20 would like it say about that. First of all, a good
21 share of the road system is in on these forests. It is
22 not quite like opening up a large part of nothern
23 Ontario and saying: Look, we will start from scratch
24 here, we will lay out a road network and then start
25 building it as we get to it. So it is not quite that

1 circumstance.

2 I think in reality what happens is that
3 each district begins to work on this in an
4 interdisciplinary way. There are seven ranger
5 districts on this forest and then it is sort of
6 consolidated into a forest-wide paper network so that,
7 you know, roads come together and we make sure we
8 access certain areas from the right direction. There
9 is a lot of things; the normal traffic flow of the
10 public and saw mills and those sort of things.

11 MR. MARTEL: But if in fact, as you say,
12 you have seven districts, they work in conjunction as
13 opposed to each district working in isolation as to
14 where it is going to extend the road. Everyone knows
15 where everyone else is putting a road in?

16 THE WITNESS: That's right.

17 MR. MARTEL: So you really have a master
18 plan for the park of where the road network is going to
19 go, the new stuff at least that's not already there.

20 I think that differs somewhat from what
21 we do. I can't recall evidence being presented to us,
22 but it seems to me that we just work in districts with
23 every forest management unit, kind of in isolation.

24 We have asked for a map, the Chairman
25 did, some time ago. We are waiting breathlessly for it

1 as to where the road network is already.

2 MS. SWENARCHUK: Q. Mr. Smith --

3 MR. FREIDIN: It's coming.

4 MS. SWENARCHUK: Q. Mr. Smith, you
5 referred to the use of environmental assessments in
6 this process of road building.

7 Now, to what extent is there an analysis
8 of alternative road building routes and alternative
9 types of roads in this process?

10 A. The environmental assessment process
11 requires alternatives. So, you know, sometimes they
12 are somewhat limited, topography and terrain will
13 almost dictate where the road will be, but standards
14 and the location, all those things are considered in
15 alternatives and not only roads, but alternative means
16 of access.

17 There are some areas that we go ahead and
18 harvest timber, but we do it by helicopter. Now, these
19 are areas where the values are high obviously and the
20 resource is very sensitive, but I remember one instance
21 where we had a major drainage of timber that we wanted
22 to access for timber and in the course of about three
23 miles I think there would had to be nine crossings of a
24 major stream. We just junked it. That alternative was
25 no good, so we helicoptered it.

1 So it is not only whether to build a road
2 or what kind of road to build, but whether we should
3 build it at all.

4 MR. MARTEL: Are roads costly in that
5 high terrain around Oregon..

6 THE WITNESS: Yes, they are very costly.
7 They have to be built in such a way that the hillside
8 stays together, that drainage doesn't result in
9 sedimentation to streams. We have a very strict water
10 quality requirement in Oregon.

11 So roads can be very costly. The weather
12 is probably not unlike you have here at certain times
13 of the year, lots of rain. The cascades get 20', 30
14 feet of snow a year. Some of that is on the level. It
15 gets a lot of rain, 60, 80, 100 inches of precipitation
16 annually. So the roads have to be surfaced if they are
17 going to be used in extended periods. So they can be
18 very costly.

19 MS. SWENARCHUK: Q. Is it common to have
20 a considerable degree of public controversy of the
21 placement of the building of roads?

22 A. A lot of controversy about where the
23 roads are going to be, about what standard they are
24 going to be and even how many roads we ought to have.

25 That controversy begins during the

1 appropriations budget hearings in Congress and works
2 its way right down to the ranger districts. The reason
3 for that, roads are so non-comprise -- or they are
4 compromising to other resource values.

5 They disturb the ground, there are
6 forever or nearly forever and they open up the country
7 to all kinds of human intervention, pathogens. There
8 is a whole host of things. So although roads are quite
9 essential to managing the forest for its purposes, they
10 are highly controversial.

11 Q. Now, you have had an opportunity I
12 believe to review Forests for Tomorrow's condition
13 33(2) on pages 29 to 31 with regard to access planning;
14 correct?

15 A. What was the page?

16 Q. Page 29, it's condition 33(2)(a), et
17 cetera, down to (g).

18 What's your view with the provisions of
19 that condition?

20 A. I am in general agreement with the
21 condition. I'd mentioned to you I had some questions
22 about certain constraints, about locating roads on flat
23 ground. My perspective is flat ground isn't always the
24 best place to put them, but I'm not in Ontario. So
25 generally I support this particular condition.

1 Q. Okay.

2 MS. SWENARCHUK: We are going to turn
3 next to roadless areas and wilderness. Would this be
4 an appropriate time to take a break?

5 MADAM CHAIR: Yes, it is.

6 MS. SWENARCHUK: It is five minutes
7 early, but...

8 MADAM CHAIR: That's fine.

9 Ms. Swenarchuk, are you going to be
10 finished your direct examination today?

11 MS. SWENARCHUK: I believe so.

12 MADAM CHAIR: We are prepared to begin
13 cross-examining?

14 DR. QUINNEY: (nodding affirmatively)

15 MADAM CHAIR: Thank you.

16 ---Recess taken at 2:35 p.m.

17 ---On resuming at 3:00 p.m.

18 MADAM CHAIR: Please be seated.

19 MS. SWENARCHUK: Madam Chair, we had an
20 exhibit copied for you. It is a direction for
21 supervisors and directors with regard to forest plan
22 monitoring and essentially it puts on paper in an
23 organized fashion the process that Mr. Smith described
24 for you. I think we would like to provide it to you as
25 an exhibit.

1 MADAM CHAIR: All right. This will be
2 Exhibit 1765.

3 MS. SWENARCHUK: This is a memo from John
4 Butruille, Regional Forester, to forest supervisors and
5 directors with regard to the regions monitoring
6 strategy.

7 MS. SWENARCHUK: 1765, Madam Chair?

8 MADAM CHAIR: That's right.

9 ---EXHIBIT NO. 1765: Memo from John Butruille,
10 Regional Forester, to forest
11 supervisors and directors with
regard to the regions monitoring
strategy.

12 MS. SWENARCHUK: Q. Just a couple of
13 follow-up questions on roads, Mr. Smith. Does the
14 planned network of roads that you have talked about
15 provide for roads proposed for the whole 10 to 15 years
16 of the plan?

17 A. That would be the time frame for
18 planning the network that would serve this plan, 10 to
19 15 years.

20 Q. In discussing the question of who
21 pays for the roads, I would like you to digress a
22 little bit and as briefly as you can explain to the
23 Board the structure of what we call here stumpage and
24 revenues from industry to the government for Forest
25 Service products?

1 A. This has to do with our appraisal
2 system where we place out the value of the public
3 timber. We use what is called a residual appraisal
4 process and it starts out with a selling price or the
5 value of the end product.

6 MR. COSMAN: Sorry, Madam Chair. I
7 wonder if you could turn that a little bit so we can
8 see it. Thank you.

9 THE WITNESS: That's the plywood, the
10 lumber, whatever it might be. Okay.

11 Let's just for example purposes say
12 that's worth \$1,000 for the unit, a thousand board
13 feet or whatever. Then we work that backwards to take
14 away the cost so that we can arrive at what we call
15 stumpage value. That is the value of the tree on the
16 stump in the woods.

17 So we take away the manufacturing costs,
18 that's the cost of peeling the log or sawing it up into
19 lumber and drying it and so forth. Let's say that
20 costs \$300. We take away the logging cost and say
21 that's \$150. We take away the cost of the roads, say
22 that's \$150. This is per unit of measure.

23 We allow for a profit and risk, say
24 that's 200. This is based on the premise that a
25 prudent average efficiency operator can make that much

1 money.

2 Then we have a whole host of things here
3 that are requirements to return the harvested area into
4 a productive forest and protect the resource values.
5 There is reforestation, there is erosion control, fire
6 protection, stand tending like thinning, that sort of
7 thing, and other values that are associated with the
8 harvest area.

9 These other values might be wildlife
10 habitat, might be recreational opportunities, could be
11 grazing needs, maybe you have to put a cattle guard in
12 to keep the cows out, all those kind of things. Those
13 are costs associated with the timber sale and generally
14 are experienced following the harvest.

15 Let's say all of that is \$100. I hope my
16 numbers come out here. After all that is taken out,
17 you have the residual stumpage value. That's the value
18 of the tree standing there, and let's say that's \$100.
19 That's stumpage.

20 So you begin with a thousand selling
21 price, take away all the costs, you end up with \$100
22 and the roads are right here. There is an element of
23 cost.

24 The thing is when the Forest Service
25 sells this timber the minimum acceptable bid in an

1 auction format will be the value of the stumpage, \$100,
2 plus the cost of all of these requirements, plus the
3 cost of the roads.

4 So, in effect, the timber purchaser, the
5 private company that buys this timber purchases it for
6 100 plus 100 plus 150 minimal. It may actually be bid
7 up higher than that, but in effect then the cost of all
8 these activities including road construction is borne
9 by the value of the timber on the ground.

10 These are not directly taxpayer dollars.
11 The dollars don't come to the Forest Service to build
12 the roads or to perform these activities after the
13 sale. So the timber purchaser sometimes has the option
14 of building this road himself and paying all the other
15 costs or by depositing these monies in advance for
16 roads, reforestation, habitat improvement, et cetera,
17 plus the value of the stumpage and all that is
18 deposited in advance before the timber is actually cut.

19 Q. Thank you. Now I want to turn to the
20 subject --

21 MR. MARTEL: Can I ask a question. Based
22 on what we do in Ontario and what I see there, I mean
23 it is mind boggling what you see there as opposed to
24 what we do in Ontario.

25 How do the companies make money then?

1 They are producing wood at roughly -- they have to be
2 making a profit to stay in business and in Ontario we
3 subsidize a fair amount. It is done totally different.

4 I am wondering how companies -- is that
5 the reason for all of the argument with tariffs and the
6 tax that went on several ago at the federal level
7 because the companies in the United States were
8 complaining that it was unfair?

9 Is that the basis as the way they do
10 their calculation as to what we do here that leads to
11 the consideration of the forest industry in the States?

12 THE WITNESS: I've heard that argument.
13 I don't know enough about to really tell you.

14 I will say again just for emphasis that
15 profit and risk is built into this. So that if an
16 average efficiency purchaser and operator purchases the
17 timber at this price plus these two, they should expect
18 to receive this much profit on every unit based on a
19 selling price of the product at that level.

20 MR. COSMAN: Mr. Martel, apropos of your
21 comment about subsidy. As you know there is quite a
22 conflict in the evidence on that issue. Even Forests
23 for Tomorrow Panel 7 admitted they hadn't done the
24 analysis to say on what side of the balance that came
25 out at.

1 MR. MARTEL: Well, I think part of the
2 problem is we really haven't, at least in my opinion,
3 got a clear handle on what the costs are today in
4 Ontario when you consider all the various alternatives.
5 To me, at least, it is not very clear.

6 MR. COSMAN: We do know with the U.S.
7 Forestry Service there is a \$200 profit on the public
8 land --

9 MR. MARTEL: I am not objecting to that
10 at all, Mr. Cosman. I am almost thinking out loud as
11 how do we in Ontario when we -- the government is
12 obviously not putting any money in that process.
13 Ontario I think last year was in the neighborhood of
14 \$265-million, cost of regeneration and so on.

15 When you take the cost that we get from
16 stumpage, there is a minus, that the cost of production
17 and what we get from stumpage leaves kind of a gap
18 there that -- it is just not explained thoroughly. I
19 mean, I can't understand it as clearly as I should, but
20 there are some serious problems.

21 MS. SWENARCHUK: Mr. Martel, it is the
22 Industry that has those cost figures.

23 MR. MARTEL: Well, I don't care about
24 Industry.

25 When I look at the various systems that

1 we employ and when we are being asked to make decisions
2 on whether -- one side wants us to reduce the size of
3 clearcuts and the other side wants the clearcuts to
4 remain the way they are. We don't even have a real
5 handle before this Board on what those costs really or
6 what those differences are and what would the result be
7 of the various alternatives that are being proposed by
8 everyone.

9 I mean, you know, you are in the dark
10 trying to make a decision. That's my own opinion after
11 three years of listening.

12 MADAM CHAIR: The Board will be issuing
13 its ruling shortly on what it wishes to do about the
14 argument in the reply stage of the hearing and as part
15 of that ruling we are also going to be addressing
16 issues of the kinds of information that we feel we need
17 before us, whether that comes in reply or before that
18 time. So I don't think we will carry this discussion
19 any further.

20 I did have a question, Mr. Smith, and
21 that is what is the size of the budget for the U.S.
22 Forest Service annually?

23 THE WITNESS: It is running between 2-
24 and \$3-billion per year. It goes up and down a bit,
25 but that's the ballpark.

1 MADAM CHAIR: Thank you.

2 MS. SWENARCHUK: Q. We are trying to
3 beat the clock here.

4 Turning now to the question of roadless
5 areas and wilderness management, Mr. Smith. Could you
6 outline what in your view are the public benefits
7 associated with keeping an area roadless and managing
8 it as wilderness?

9 A. All right. The 1964 Wilderness Act
10 really establishes the values. They include ecological
11 base lines. These areas are managed so that there is
12 as little as practical human influence on them. The
13 opportunity for research in a basically unmanipulated
14 landscape and vegetation, primitive and unconfined
15 recreation.

16 I might say that probably any roadless
17 area that hasn't been developed and is not about to be
18 also offers these things, but this is kind of a
19 permanent dedication to those kind of things.

20 Solitude. People refer to it as a place
21 for spiritual renewal. All these are very subjective,
22 most of them are subjective and intangible values, but
23 nonetheless recognized in law and now embraced by it, a
24 relatively vast wilderness system.

25 Q. Are you in agreement with the

1 Wilderness Act provision that no commercial enterprises
2 or permanent roads be allowed within wilderness areas?

3 A. Yes.

4 Q. In the U.S. system, does an area have
5 to be pristine and free of any human impact before it
6 can be designated and managed as wilderness?

7 A. There was a time when that was almost
8 a rigid criterion, but as we began to round out the
9 wilderness system that was relaxed somewhat by the
10 Congress.

11 Particularly in the eastern part of the
12 United States, areas that had been even harvested or
13 even roads in them were brought into this system with
14 the idea that wilderness is an enduring resource for
15 long of periods of time and it would eventually restore
16 itself.

17 So the answer to that is that normally
18 it's untouched, but we have made exceptions in order
19 get wilderness in certain locations.

20 Q. With that introduction then, would
21 you provide an overview of the background, the
22 rationale for the the roadless areas program, please?

23 A. Okay. The so-called RARE, RARE 1 and
24 RARE 2 efforts, Roadless Area Review and Evaluation,
25 was a Forest Service process to take kind of an

1 advanced look at roadless areas in the national forest
2 before anymore of them got developed with roads and ski
3 areas and timber harvest and so forth to sort of take
4 an advanced planning look and see if we could determine
5 which ones were obviously needed to help round out the
6 national wilderness preservation system.

7 That system, by the way, is sort of an
8 overlay on several of the public land systems in the
9 U.S. Wildernesses are designated in national parks,
10 they are designated in national wildlife refuges, they
11 are designated in Bureau of Land Management public
12 lands and they are designated in national forests. The
13 agency of jurisdiction manages those lands as a part of
14 the national forest with these very restrictive
15 requirements.

16 So the RARE program, RARE 2 was an
17 advanced inventory of where they are, what they are
18 like and kind of a quick and dirty, if you will,
19 evaluation to see if they should be immediately
20 proposed as wilderness and, thus, forever saved or
21 whether they should obviously not be wilderness and,
22 therefore, immediately released to other kinds of
23 multiple use or whether they were sort of in limbo
24 between the two; two close to call under that kind of
25 planning system and they were designated as further

1 planning areas and were remanded to the forest planning
2 process.

3 It had the effect in kind of a systematic
4 way of taking care of the obvious two ends. The Forest
5 Service was hopeful that we could resolve most of them.
6 It didn't turn out that way. The public was too
7 divided on the issue and we really needed more of the
8 context of integrated planning to make those kind of
9 decisions, but there were some that were designated or
10 propose to Congress to be designated, others were
11 released and others that were dealt with in the plan.

12 RARE 2 was the first time that we had
13 kind of a national look at roadless areas with the eye
14 to "rounding out the system". We've had wilderness for
15 a long timber. In 1924, the U.S. Forest Service
16 administratively designated some wilderness. In 1964,
17 the Congress actually put it into a national statute
18 and grandfathered all those areas in which I think
19 amounted to a little less than ten million acres at
20 that time.

21 MADAM CHAIR: Excuse me, Mr. Smith.
22 Could you remind the Board what per cent of national
23 forest land is wilderness?

24 THE WITNESS: Yes. It is 17 per cent.

25 MADAM CHAIR: Thank you.

1 THE WITNESS: 13 million hectares out of
2 77.3 million hectares.

3 RARE 2 again was kind of the first
4 systematic approach attempt to deal with rounding the
5 system out, and I want to mention the four driving
6 objectives or criteria that were used.

7 One was that when the system was complete
8 we would like to have the representation of all the
9 major ecosystems present in the United States. I
10 forget if it was Bailey's and Cooklers scheme, it
11 doesn't make any difference, but it allowed us to look,
12 sort of screen out areas.

13 Secondly, we wanted representation of all
14 the major land forms in the United States. We wanted
15 them represented in our National Wilderness
16 Preservation system.

17 Thirdly, we wanted representation of all
18 the wildlife species that were associated with
19 wilderness in the public's view. Some of these species
20 that the public associates were wilderness do not
21 require wilderness, but they sort of perceive them to
22 be connected with wilderness. So we honored that and
23 proceeded to try to make sure that they were present in
24 the designated wilderness system.

25 Fourth and last, we wanted to provide a

1 geographic distribution of wilderness that's would
2 improve the accessibility to the American public.

3 Most of the American people live in the
4 east and most of the wilderness was already in the
5 west. So we tried improve that relationship a bit.

6 As I say, that was done and the result
7 was reflected in some immediate proposals for
8 wilderness, some immediate releases and the remainder
9 remanded to the planning process itself. Highly
10 controversial, litigation ensued after that. We are
11 still struggling with, you know, leading those through
12 congressional actions.

13 MS. SWENARCHUK: Q. Now, have you had an
14 opportunity to review Forests for Tomorrow's term and
15 condition No. 32 which is on pages 27 to 29 of Exhibit
16 1610, Mr. Smith?

17 A. Yes, I have.

18 Q. What is your view of this term and
19 condition?

20 A. I think these conditions are a strong
21 statement in support of roadless area values. I think
22 Ontario really needs something like that if you are
23 going to call your planning integrated forest planning
24 because roadless values associated with undeveloped
25 areas and wilderness are a part of the spectrum of

1 values from forest lands.

2 I think there would be a value in working
3 towards a system. It doesn't have to be like the
4 United States, but I think having some objectives in
5 mind so that areas are selected with some end result
6 that people can agree to.

7 I think that the MNR, it would be well
8 for them to manage wilderness as part of the full
9 spectrum of multiple uses. That would certainly make
10 them a full multiple use agency, a managing agency.

11 I don't believe that all remaining
12 wilderness areas need to be preserved by any means. It
13 seems to me that Canada is a rich enough country to
14 have some and you ought to be thinking about what it
15 ought to look like, what shape and form and size it
16 ought to be so those decisions could be made earlier
17 enough before too many more foreclosures come along.

18 Q. Now, when we reviewed your CV
19 yesterday morning you described for the Board your role
20 in the development of the national recreation strategy
21 and what the strategy encompasses, so we won't review
22 that again.

23 I wonder, though, if you could deal with
24 the question of recreation as it was considered in the
25 process of planning for the Willamette national forest,

1 including recreation opportunities spectrum, please?

2 A. Yes. Recreation is one of the main
3 multiple uses, so we must manage for it by law. It is
4 a part of the integration of planning activities.

5 The recreation opportunity spectrum,
6 so-called ROS, was designed by the Forest Service to
7 describe a continuum of settings, recreation settings
8 and experience levels and in a sense it becomes an
9 inventory and a point of decision.

10 Obviously, a setting that is remote and
11 undeveloped and not large could offer a very primitive
12 recreation experience or you can manage it towards a
13 very highly developed urbanized situation if you chose.
14 So there is a lot of discretion.

15 A settings that is like a city park in
16 Toronto where there is already a lot of development,
17 roads and facilities there and a lot of people,
18 obviously your opportunities are very limited and you
19 kind of have what you have.

20 In the national forest, you have got a
21 lot of both but mostly on the more primitive side. So
22 it was a matter of deciding how to utilize these
23 settings that are there and present experience levels
24 for the owner, customer.

25 The Willamette plan does discuss this I

1 think in fairly good form, if I can find it. In the
2 final environmental impact statement, which is 1754C,
3 it is the first document of the EIS, Chapter 3, page 93
4 introduces the whole matter of ROS and the following
5 page is a table that describes precisely what each of
6 the ROS class is. It provides a descriptor from
7 primitive to semi-primitive non-motorized,
8 semi-primitive motorized, to eroded natural to eroded
9 modified, then a paragraph --

10 MADAM CHAIR: Which page are you on, Mr.
11 Smith?

12 THE WITNESS: Chapter 3, page 94.

13 MADAM CHAIR: Thank you.

14 THE WITNESS: So the EIS is simply
15 describing what it is and it is very arbitrary. You
16 can divide it up any way you want, but it is one way of
17 describing the various settings and experience levels
18 all the way from primitive to very urban type.

19 Now, taking that as the way to inventory
20 and judge these areas, in Chapter 4, page 105 --
21 Chapter 4 is the environmental consequences chapter.
22 Page 105 begins the discussion of how it was handled
23 and various alternatives and on the following page,
24 page 106, is a table that very briefly summarizes how
25 each alternative responds to the available ROS class.

1 So if you are looking at that Table 4-16
2 on the left-hand side, you see kind of the inventory
3 classes and then the next column shows the number of
4 acres that were discovered in those classes, and then
5 you see the alternatives that indicate how much area in
6 percentages was retained in the various plan
7 alternatives.

8 So, you know, it gives you a quick
9 snapshot of what each alternative looks like in terms
10 of utilizing the existing recreation opportunities
11 spectrum class.

12 The recreation technicians make quite a
13 lot more out of this than most people do, but it is a
14 very useful way to, you know, organize your thoughts
15 about it and communicate. The important thing to the
16 public is not so much ROS as it is: I want to know
17 what's happened to so and so. If they look at the map
18 and they are satisfied that area is going to be managed
19 the way they like it, they don't really care what ROS
20 is.

21 MADAM CHAIR: Is the recreation
22 opportunity spectrum approach a process you would
23 recommend for Ontario to use?

24 THE WITNESS: I would recommend something
25 like that. You know, I know it has been adopted by

1 many agencies in the U.S., the BON uses it and the
2 Bureau of Land Management uses it, the Corp of
3 Engineers uses it and some of the states use it.

4 I think it is a scheme -- it's a fairly
5 good one and I would suggest that Ontario come up with
6 something that could be comparable. I don't know that
7 this one would be, you know, what you should just take.
8 It might not fit as well.

9 MS. SWENARCHUK: Q. Just a couple of
10 short points, Mr. Smith. The Conservation Foundation
11 critique commented on -- and this is found in the
12 source book materials. In their Chapter 6 they
13 commented on the use of FORPLAN in the planning process
14 and criticized it.

15 I don't have the page numbers, Madam
16 Chair, but this is found in Chapter 6 of the
17 Conservation Foundation critique which is in the source
18 book.

19 The Board has heard a certain amount of
20 testimony about FORPLAN from previous witnesses and you
21 were asked a question about FORPLAN and you also
22 commented upon it yourself in the witness statement and
23 I would just like to review this issue briefly.

24 I would like to file as the next exhibit
25 the question and answer of MNR's interrogatory to Mr.

1 Smith No. 27 to this panel. (handed)

2 MADAM CHAIR: Thank you. That will be
3 Exhibit 1766.

4 ---EXHIBIT NO. 1766: MNR interrogatory No. 27 and
5 answer thereto (Panel 10).

6 MS. SWENARCHUK: Q. The Board can note
7 your answer to the specific question there. I would
8 ask you these questions:

9 Is a program such as FORPLAN necessary
10 for forest management? Should it be simplified as the
11 Conservation Foundation critique suggested, and are
12 there other programs now in use by the U.S. Forest
13 Service which does not have these disadvantages?

14 A. To the first question I would say
15 yes, I think some sort of linear programming is useful
16 because this is a lot of data, there are, you know,
17 ways to mix the data and an unlimited number of
18 alternatives that you can ask questions about. So I
19 think something like that is useful.

20 FORPLAN turned out to be much too
21 complex. Most people do not understand FORPLAN. They
22 are intimidated by it. It generated much too much
23 material, literally wheel barrels full of computer
24 printouts. You can ask it a question and it would give
25 you a thousand pages of answer.

1 So I think it needs to be simplified.
2 Computers and linear programs are very valuable tools,
3 but they don't substitute for human beings making
4 decisions and the Forest Service fell into somewhat of
5 a trap on this. Finding I think that most forest
6 supervisors brought their computer people and told them
7 to explain it in words that we could all understand.

8 There are efforts being made now to
9 provide new models that are more simple and direct. I
10 don't know that any of those are up and running yet,
11 but I do know that they are being prepared for the next
12 generation of planning and revisions that will deal
13 with this.

14 Q. Okay, thank you.

15 MR. MARTEL: If you need a couple of more
16 wheel barrels of material we can give it to you.

17 MS. SWENARCHUK: Q. Well, I come to my
18 last question now, Mr. Smith, and that's to recap an
19 issue that I asked Mr. Armson from the Ministry of
20 Natural Resources over two years ago.

21 I asked him then if in his view the
22 clearcut size limits that are part of the regulations
23 in the United States had had any detrimental effects on
24 U.S. forests and he declined to express an opinion on
25 that question. What is your view on that question?

1 A. In my view, the clearcut limitations
2 had a positive effect on forestry in the U.S. There
3 are pluses and minuses, but on balance I think it was a
4 move in the direction of advantage rather than
5 disadvantage.

6 Q. Okay, thank you.

7 MS. SWENARCHUK: Those are my questions
8 for Mr. Smith, Madam Chair.

9 MADAM CHAIR: Thank you, Ms. Swenarchuk.

10 Mr. Hanna? We don't have long this
11 afternoon, but if you have some things to make exhibits
12 we can get started.

13 MR. HANNA: Thank you, Madam Chair, Mr.
14 Martel.

15 MADAM CHAIR: Thank you, Mr. Hanna.

16 MR. HANNA: Welcome to Canada, Mr. Smith.

17 THE WITNESS: Thank you.

18 MR. HANNA: I am going to deal with as
19 many matters that I can here in the time available,
20 probably not that many, but there are some preliminary
21 things that perhaps we can deal with.

22 CROSS-EXAMINATION BY MR. HANNA:

23 Q. First of all, I represent the Ontario
24 Federation of Anglers & Hunters and we have submitted
25 terms and conditions, draft terms and conditions to the

1 Board as suggested matters that the Board might include
2 in its decision and I was wondering if you had an
3 opportunity to review those.

4 I notice Ms. Swenarchuk just provided
5 those to you now. Have you read them before?

6 A. I have not.

7 Q. You are not aware that in our
8 statement of issues we had identified a number of
9 sections of the terms and conditions that were matters
10 that we wished to raise with you. That wasn't brought
11 to your attention?

12 A. Not to my knowledge, no.

13 MR. HANNA: Perhaps, Madam Chair, I could
14 ask Mr. Smith -- I can give him a copy of our
15 statements of issues that lay out the specific sections
16 of our terms and conditions that I may be referring him
17 to tomorrow and perhaps in the interest of time, I
18 would have him review it tomorrow, he might have a
19 chance to review it this evening if that is acceptable
20 to the Board.

21 MADAM CHAIR: Any objection, Ms.
22 Swenarchuk?

23 MS. SWENARCHUK: No.

24 MR. HANNA: Q. Now, the first matter I
25 would like to deal with, Mr. Smith, is you are aware

1 that the matters before this Board involve four
2 activities which have been prescribed as timber
3 management and they are access, harvest, renewal and
4 tending and protection are lumped together?

5 You are familiar that those are the
6 activities that are being asked for approval?

7 A. I'm aware that that's included,
8 although I was given the impression that the full range
9 of resource values was also a concern.

10 Q. I wasn't in any way trying to limit
11 the scope of issues that need be considered, but I just
12 wanted to make sure you understood that the four
13 activities, the specific activities that were being --
14 the application we are seeking approval for are those
15 four.

16 MS. SWENARCHUK: In fact, Madam Chair, I
17 am sorry to interrupt, but the approval is, as the
18 Board orders indicated, my understanding, was the
19 planning of those activities as opposed to the specific
20 activity themselves.

21 This debate may be lost on Mr. Smith, but
22 in my understanding it is not the specific activities
23 that are the subject of the application, but the
24 planning of those activities.

25 MR. HANNA: Q. In the interest of time,

1 just accept what Mr. Swenarchuk has just said and
2 please respond to my question with that caveat.

3 A. Yes.

4 Q. Now, when I looked at the Willamette
5 forest plan it appears that there were additional
6 activities included, such as the development of
7 recreational facilities and other activities, that it
8 wasn't the appropriation more strictly of the four
9 activities I described to you, but there were other
10 activities that actually took place in terms of, if you
11 will, development activities; is that fair?

12 A. The Willamette plan envisions the
13 development or protection of all forest resource
14 values. It is not limited to timber harvest, access,
15 renewal and stand tending.

16 Q. Okay. Perhaps let me just make sure
17 you understand where I am coming from clearly.

18 I am not in any way trying to narrow the
19 scope of this to look strictly at timber or to exclude
20 non-timber values. My client is concerned about
21 including non-timber values equally as well as the
22 party you are here on behalf of and other parties at
23 the hearing. So that wasn't the intention of my
24 question.

25 The intent of my question is to look at

1 the actual activities that are taking place on the
2 ground and determine if the scope of activities that
3 are captured in the forest plan that the U.S. Forest
4 Service put forward are broader than those that are
5 captured in what we would call here a timber management
6 plan in terms of the actual activities that take place
7 on the ground.

8 When I say activities, the management
9 that takes place on the ground, not the result in
10 benefits that come from it, recreational benefits and
11 wilderness and those types of things, but the actual
12 activities that take place.

13 A. The only thing I can really speak to
14 with authority is the Willamette plan and that does
15 envision activities of all kinds. It is not limited to
16 timber.

17 Q. And it includes appropriations,
18 budget appropriations for such things as recreational
19 facilities like trails?

20 A. It includes a budget that is tied to
21 the alternative, that's right. It might be trails, it
22 could be timber harvest. There is a budget that is
23 prepared for each one of the alternatives and it is
24 broken down in those categories.

25 Q. All right. Now, in terms of managing

1 the forest structure -- by forest structure I mean the
2 composition of stands in terms of species composition,
3 age-class distribution and their spacial pattern on the
4 landscape.

5 In terms of managing the forest
6 structure, would you agree that the four primary
7 activities being considered in Ontario that I listed
8 for you are the same activities that would be used in
9 the States to manage the forest structure per se?

10 A. The forest structure in terms of
11 timber production, yes. Although I guess I would add,
12 just for the timber resource itself, you know,
13 retention of natural forest would probably be an
14 element within the Willamette plan if one were looking
15 narrowly at timber management as opposed to the entire
16 range of activities related to all forest values.

17 Q. I don't understand how retention of
18 the forest is any different than harvesting. It is
19 simply not harvesting, but in a sense it is that
20 management activity.

21 A. Yes. No harvest is a retentional
22 decision. So no harvest including all kinds of
23 harvest, regeneration, stand tending, access fits into
24 that equation.

25 Q. Now, for the purpose of our

1 discussion and the questions that I will asking you, I
2 am limiting my questions to those four activities and
3 the planning of those four activities.

4 I am not limiting in any way the
5 implications of those activities beyond timber, just so
6 you understand that. I am limiting it to those four
7 activities. I don't want to deal with how we plan for
8 developing recreational trails or those types of
9 facilities. I want to deal strictly with the four
10 timber management activities that I've listed for you.

11 Now, would you agree that in focusing
12 solely on those four elements, those four basic
13 elements, that the U.S. planning process that you have
14 described here would still apply in terms of the
15 comments you have made, would still apply if we only
16 were dealing with those four elements, but that you
17 would lose to a certain degree the scope of management
18 alternatives that would be available to you to manage
19 the other activities?

20 A. Under the U.S. system you could not
21 plan timber, access, harvest, renewal and stand tending
22 without considering the other values. That's what
23 integrated forest resource planning is about.

24 Once that is done, you could not plan a
25 particular timber sale under the U.S. system without

1 considering other values, without, for example,
2 inventorying archaeological, cultural resources and
3 then managing the proposal to harvest timber in such a
4 way that those values were considered and the
5 objectives met. So my short answer to that is no.

6 Q. I don't think you understood my
7 question. The question was: If we eliminate from the
8 planning process that you have described management
9 actions such as designing, and I will just use
10 recreational trails as an example, but we maintain the
11 planning process as you have described it in terms of
12 taking into account an integrated approach all the
13 other benefits, would your comments still apply?

14 In other words, if it was restricted to
15 those four activities but you still went through the
16 planning process as you have described it, your
17 integrated planning process, would your comments still
18 apply?

19 A. I could not separate them. Again,
20 you know, I accept your premise that the purpose and
21 the objectives are all set and now I am concerned about
22 road access, for example. I am concerned about road
23 access to a timber harvest area. That's the activity I
24 am concerned about. I cannot plan that and implement
25 it in isolation from the other values.

1 Recreation trails, for example, is a good
2 one I think because in the U.S. we have a lot of
3 difficulty with the conflict between road access and
4 trails. A road that accommodates the harvest of timber
5 can either impact or enhance or be neutral in terms of
6 the trial objectives.

7 So the people who design the road and the
8 timber harvest have to be aware of and accommodate the
9 objectives that were set in the integrated plan for
10 trails, as well as wildlife and whatever.

11 Q. I accept your point. I am really
12 asking you a bounty question. By that I mean we have
13 to draw the line somewhere of how far out or how many
14 activities we encompass in the sphere of planning that
15 we undertake.

16 Just to give you an example. Is the
17 setting of hunting seasons, bag limits, creel limits
18 for fishing, are those incorporated as part of your
19 forest management plan or are those set through a
20 separate process?

21 A. The states have responsibility for
22 setting bag limits, establishing licensing
23 requirements. The states in the United States are the
24 managers of the fish and wildlife. The Forest Service
25 is the manager of the habitat.

1 We cannot, again, act in isolation. If a
2 timber sale or a timber harvest impacts habitat and,
3 thus, impacts licensing and bag limits and et cetera
4 and et cetera, we would then be required to consult
5 with the State Fish and Game Department in designing
6 that timber sale and, in fact, the State Fish and Game
7 Department are in our hip pocket all the time we are
8 planning timber sales.

9 Q. Because of the very fact that it is
10 almost impossible to separate the two?

11 A. That's right.

12 Q. That was simply my point. I
13 understand what you are saying in terms of trails, that
14 it is hard to separate the two, that when you design an
15 access system it has implications in terms of the trail
16 network that you set forward.

17 My point simply is and what I'm trying to
18 make it very clear to you is to ensure that the
19 comments that you have come forward and made to this
20 Board in terms of the comparison between the U.S.
21 forest systems and what we are doing in Ontario at the
22 present time are not in any way diminished by the fact
23 that the forest planning that is use in the U.S. Forest
24 service encompasses a broader scope of activities than
25 what we have in Ontario.

1 That's the only question -- that's the
2 whole purpose of the question, to ensure that even
3 given the narrow scope of activities that we have that
4 your comments about the planning process still apply.

5 A. That's not my impression. My
6 impression, and it could be wrong, is that the Ministry
7 for Natural Resources has responsibility for the forest
8 lands and all the resources connected with it.

9 So I liken that to the same circumstance
10 with the U.S. Forest Service. The Forest Service is
11 responsible for all the resource values on the national
12 forest. To my knowledge, the same thing occurs in
13 Ontario. There may be some regulatory difference,
14 but...

15 Q. But the difficulty I have is, if you
16 want to maintain that analogy then one would say: The
17 Ministry of Natural Resources also sets bag limits,
18 creel limits, seasons and whatever, we should roll that
19 into the process also.

20 A. I don't know that that's a fact.

21 Q. Well, accept that as a fact for the
22 time being. If I took your statement, you would say
23 you have to roll the whole thing into one exercise?

24 A. I am saying that if you plan a timber
25 sale or a timber harvest that you have to consider the

1 implications of timber harvest on a recreation trails,
2 bag limits if they there are any. I don't know if
3 there would be, but if there are, then I think that
4 needs to influence the way the timber harvest is
5 planned or the road access is planned.

6 Q. Okay. Maybe I can go quickly through
7 this last matter here. You have talked about the
8 tiered planning process that is used in the U.S. at the
9 present time. As I understand it, it goes from a local
10 level to a national level and vice versa; correct?

11 A. Yes.

12 Q. As I understand your evidence both
13 written an oral, the potential supply - and I emphasize
14 the word supply - of benefits from the forest as
15 projected through a bottom-up procedure starting at the
16 local level and working up to the national level; is
17 that correct?

18 A. That's correct.

19 Q. So one starts out at the forest plan
20 level and looks at a range of alternatives that can be
21 supplied, these alternatives are aggregated up to the
22 regional level and ultimately to the national level at
23 which point, the term I will use is, an array of
24 production possibilities are presented that can be
25 achieved from the national forest lands; is that

1 correct?

2 A. I think that's essentially correct
3 except I wouldn't characterize the inventory of supply
4 potential in alternatives.

5 Certainly you can't have the supply
6 opportunity of "x" amount of wilderness and at the same
7 time say your commercial timber supply is relying on
8 the same land base. You can't have them both at the
9 same time.

10 I'm not aware of any bottom-up
11 arrangement of supply potentials into alternatives. I
12 think that comes up from the bottom to the RPA
13 assessment, which is the inventory of supply and
14 demand, but in supply in this case, and then that
15 eventually manifests itself in the RPA long-term
16 strategic plan at the national level.

17 They do look at alternatives, but very
18 broad strategic alternatives which then come down in
19 disaggregated form to the regions in the Forest and
20 then the Forest must in their planning process include
21 as one alternative the RPA disaggregated targets.

22 Q. My understanding is that as you
23 invest in management you can change the production
24 output in some cases with some resources so that in
25 fact the supply is not fixed, but that it is variable?

1 A. To the extent that investment will
2 increase supply - in the case of timber that's the
3 case - each alternative carries with it an investment
4 level.

5 One alternative might rely on intensive
6 forest management practices such as genetic improvement
7 and intensive thinning and other cultural measures.
8 Any one acre or acres could produce more under that
9 scheme than another one that allocates the same acreage
10 to less intensive management practices.

11 So to that degree you're right. Usually
12 that's not within one alternative, however. These are
13 separate alternatives and you select one. If you fail
14 to invest, then obviously you can't produce.

15 Q. But the range of potentials available
16 at the RPA level is a function of those investment
17 levels at the local scale and that's captured in that
18 assessment; is it not?

19 A. I don't believe it is captured in the
20 assessment as much as the Forest Service program.

21 There may be some broad generalities
22 concerning investment levels across all jurisdictions
23 in the assessment, but I believe it is more accurate to
24 say that the RPA program for the Forest Service looks
25 at investment levels.

1 Q. Fine. And once that high level
2 decision is made in terms of the overall directions and
3 I gather that comes from Congress, that then gets
4 translated down into the regional guides and ultimately
5 to the local planning level; is that correct?

6 A. Yes. The RPA program is developed by
7 the Forest Service, approved by the president and
8 submitted to Congress. Congress has the opportunity to
9 either approve it or disapprove it. Generally they
10 just let it ride.

11 Q. The way that the information or that
12 direction is transferred down to the local level is
13 through the specification of quantitative objectives
14 and targets and those types of measures; is that
15 correct?

16 A. That's right.

17 Q. Now, in addition, standards and
18 guidelines in some cases are set and those are also
19 passed down to provide a balance within which the
20 acceptable alternatives have to operate; is that
21 correct?

22 A. That's correct.

23 Q. Now, there is another tier to the
24 planning system beyond the forest plan level which you
25 presented here and that being annual program of work;

1 is that correct?

2 A. Yes. The annual program of work
3 drops out of multi-year displays, budgets and programs,
4 et cetera.

5 Q. Who prepares the annual program of
6 work?

7 A. The district ranger prepares his
8 annual program of work that's aggregated to the forest
9 level as a forest program of work.

10 Q. Now, what is the relationship between
11 the annual program of work and the individual timber
12 sales?

13 A. The individual timber sale would be
14 apart of the annual program of work. The program of
15 work concerning timber harvest on any one district
16 includes several timber sales. It is usually scheduled
17 on a five-year basis.

18 Q. Which is scheduled, sir?

19 A. The timber sales. They are scheduled
20 on a five-year basis so that the fifth year becomes the
21 annual program work for that year and there is a
22 backlog of five years in the planning process,
23 developing the specifics of an individual harvest unit.

24 Q. Is there another level of planning
25 below the annual program of work?

1 A. Yes, there is the actual project
2 which would be the timber sale and the planning
3 involved there is the actual design of that project to,
4 you know, designate its location, its characteristic,
5 size, whatever.

6 MR. HANNA: That helps me greatly, Madam
7 Chair, for preparing for tomorrow. I take it we are
8 starting at nine.

9 MADAM CHAIR: Yes, we are, Mr. Hanna.

10 MR. FREIDIN: Madam Chair, if I might
11 make one comment.

12 Ms. Swenarchuk indicated that the
13 proponent was only seeking approval of a planning
14 process. I didn't want my silence to be taken as any
15 acknowledgement she is correct in that regard.

16 It is clearly the position of the
17 proponent that we are seeking approval of the
18 undertaking as defined: access, harvest, renewal and
19 maintenance. The Board has made a ruling that the
20 undertaking includes over and above that planning
21 process and that's how we interpret the Board's order,
22 not in fact that we are no longer seeking approval for
23 the four activities in question.

24 MADAM CHAIR: Thank you, Mr. Freidin.

25 Now that you are on your feet, there is

1 one question the Board had and that was with respect to
2 what schedule we are looking at now for the
3 negotiations of terms and conditions.

4 You were going to report back to us and
5 remind us some time in April?

6 MR. FREIDIN: Yes. Can I speak to that
7 tomorrow?

8 Ms. Murphy has been handling that
9 completely and I will have to talk to her today. I
10 know she has been in contact with all of the other
11 parties in that regard. We are developing together a
12 proposal and I think maybe tomorrow I can indicate to
13 you what the status of that is and speak in a little
14 bit more detail perhaps in terms of when in April we
15 will be able to speak to the matter.

16 MADAM CHAIR: All right. We will be back
17 at 9:00 a.m.

18
19 ---Whereupon the hearing was adjourned at 4:00 p.m., to
20 be reconvened Wednesday, March 27, 1991 commencing
21 at 9:00 a.m.

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